

**Application No.**  
**NOPC-13-04-08**  
**(Notice of Proposed Change)**

**Applicant**  
**Babcock Property Holdings, L.L.C. /**  
**Notice of Proposed Change to Master**  
**Development Order**

**Legislative**

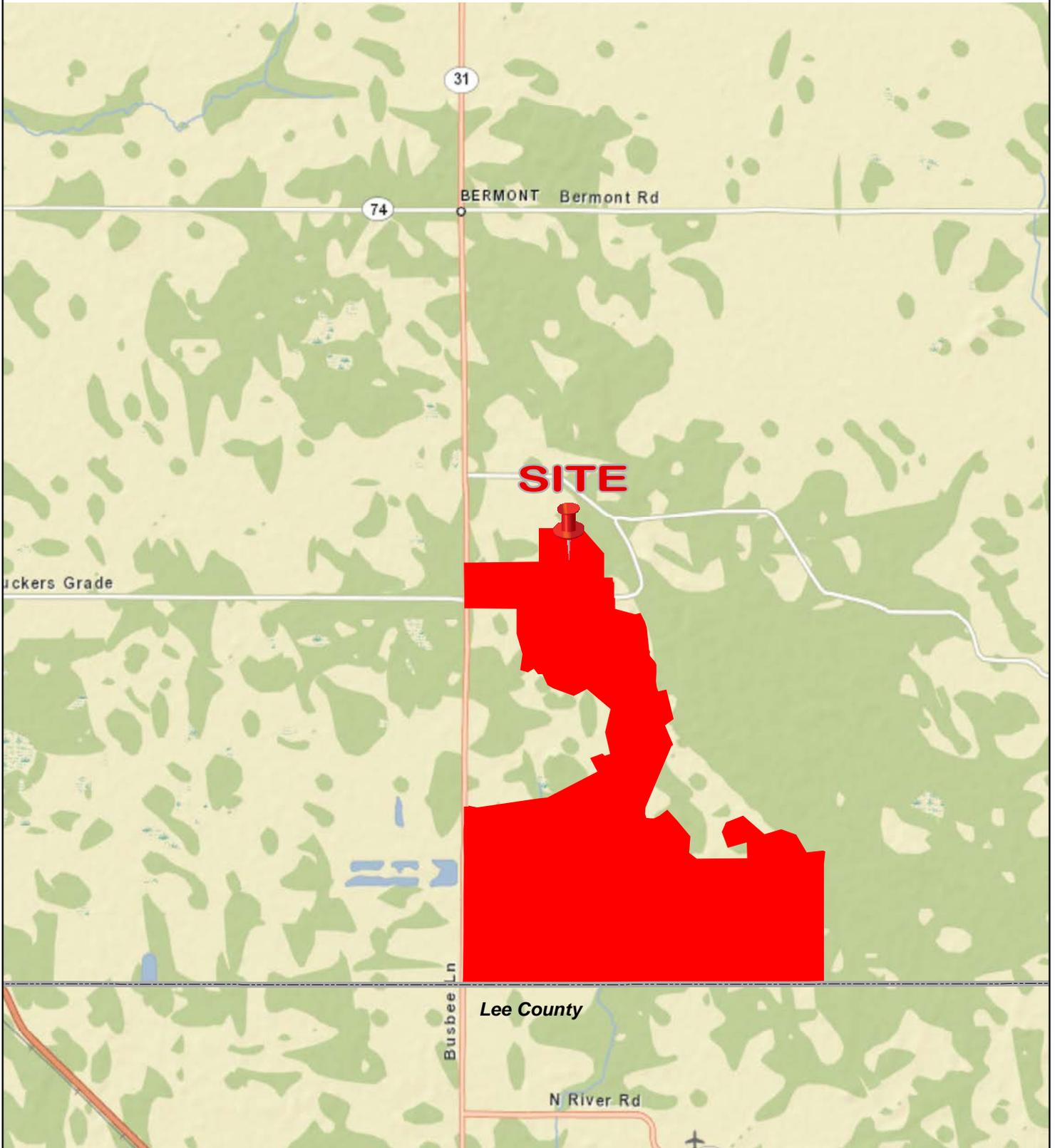
**Commission Dist. I**



Community Development

# CHARLOTTE COUNTY

## Location Map for NOPC-13-04-08



**29, 31, 32, 33/41/26 & 5-10, 15-17, 19,-36/42/26 East County**

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--J. Shao Date Saved: 11/12/2013 2:07:04 PM

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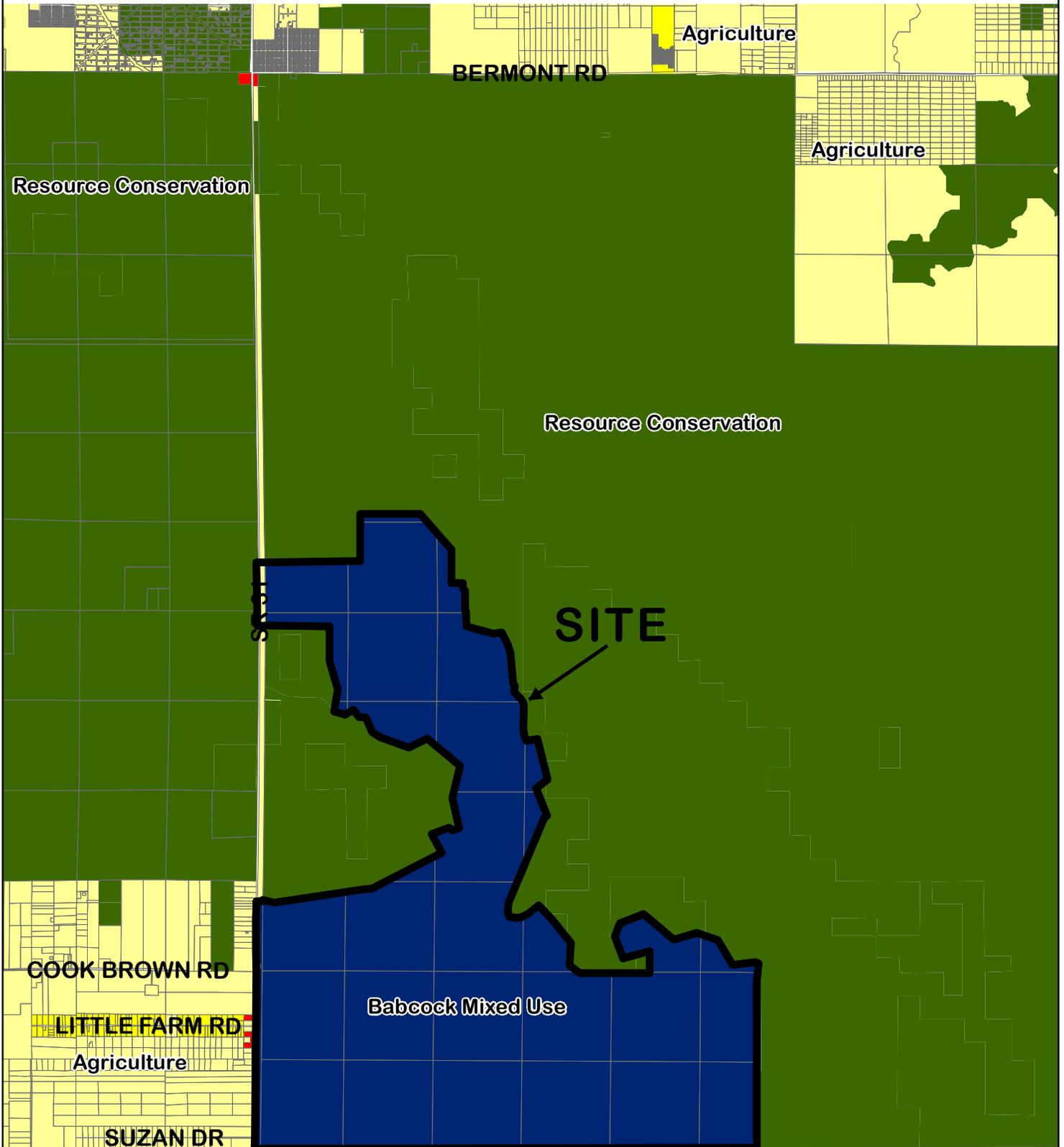
NOT TO SCALE



Community Development

# CHARLOTTE COUNTY

## FLUM Map for NOPC-13-04-08



29, 31, 32, 33/41/26 & 5-10, 15-17, 19,-36/42/26 East County

Lee County

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Community  
Development

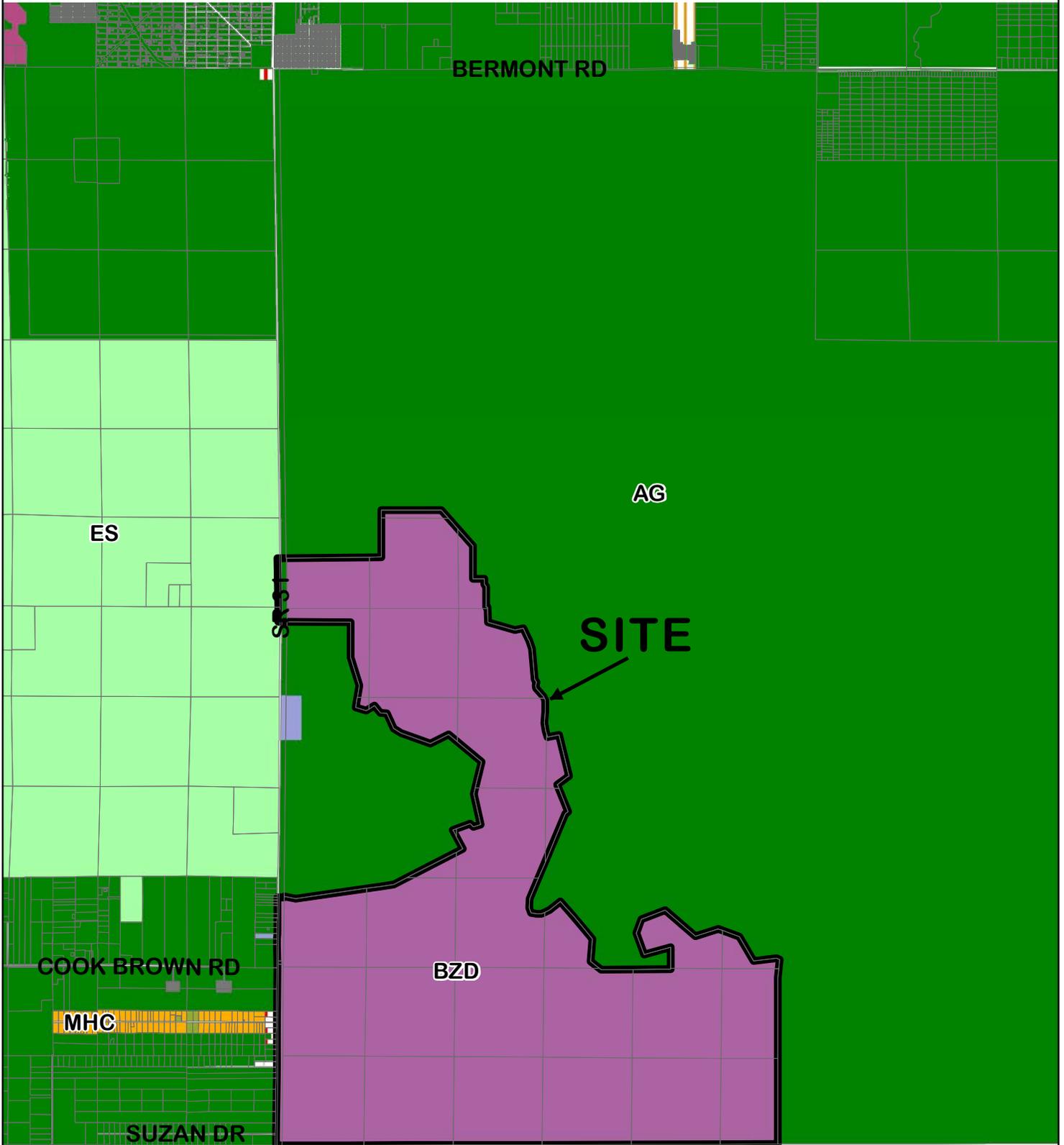
# CHARLOTTE COUNTY

## Zoning Map for NOPC-13-04-08

Charlotte County Government

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29, 31, 32, 33/41/26 & 5-10, 15-17, 19,-36/42/26 East County

Lee County

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NOT TO SCALE

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## Community Development Department Staff Report for NOPC-13-04-08

**DATE:** November 22, 2013

**TO:** Honorable Board of County Commissioners  
The Planning and Zoning Board

**FROM:** Jie Shao, Planner III

**REQUESTED**

**ACTION(S):** A privately initiated request to the Master Development Order (MDO) for the Babcock Ranch Community Master Development of Regional Impact (DRI) to:

- update requirements to make the development order more reflective of current conditions;
- revise the MDO Master Plan; and
- correct scrivener’s errors.

### PART I

**Applicant(s):** Babcock Property Holdings, L.L.C.  
17837 Murdock Circle  
Port Charlotte, FL 33948

**Owner(s):** Same as applicant

**General Location  
and Acreage:**

The subject property is located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, in the East County area. It contains 13,630± acres.

**Account Number(s):** Multi-accounts (See Attachment 1) and the legal description (See Attachment 2) are attached.

**Analysis:**

Babcock Property Holdings, LLC is requesting a Notice of Proposed Change (NOPC) to amend the Master Development Order (MDO) for the Babcock Ranch Community Development of Regional Impact (DRI).

*Project Background*

The Babcock Ranch Community consists of approximately 13,630 acres, and it is located in the East County area, immediately north of the Lee County border. The Babcock Ranch Community

MDO was originally approved on December 13, 2007 (Resolution 2007-196). On January 28, 2008, the Department of Community Affairs (now the Department of Economic Opportunity) filed an appeal of that Development Order. The Board of County Commissioners adopted Resolution 2008-063 which incorporated transportation settlement language into the DRI resolution.

The MDO provides a framework for the overall development of the Babcock Ranch community; it also has a number of conditions of approval that the developer must meet before construction can begin. The Babcock Ranch Community MDO allows for the construction of:

- 17,870 residential units,
- 2,925,943 square feet of retail,
- 2,064,057 square feet of office,
- 600 hotel rooms,
- 650,000 square feet of industrial,
- 177 hospital beds,
- 418 units of assisted living facilities, and
- 54 holes golf course aggregate.

Since approval of the MDO, there have been several changes, two made via NOPC and three made via non-NOPC change.

**NOPC changes:**

- On December 15, 2009, an NOPC application was approved by the Board of County Commissioners (Board) via Resolution 2009-83. The changes were to modify the transportation section of the Babcock Master Development Order, to revise Map H to reflect Increment One, and to make formatting changes to Exhibit C.
- On December 13, 2011, an NOPC application was approved by the Board via Resolution 2011-485. The changes were to increase office entitlement from 2,064,075 to 3,500,000 square feet, to reduce retail entitlement from 2,925,943 to 1,400,000 square feet, to revise Exhibit "F" to reflect results of required Master Traffic Study Update, to extend the build-out date to July 5, 2040, to extend the expiration dates as well as associated mitigation requirements by four (4) years, and to correct scrivener's errors.

**Non-NOPC changes:**

- On December 14, 2010, the Board adopted Resolution 2010-112 which was an amendment to update Exhibit L to the MDO replacing a letter with an Agreement between the developer and the FDOT regarding transportation improvements.
- On April 24, 2012, the Board approved Resolution 2012-024 to allow for the statutory and executive order extensions of all commencement, phase, build-out and expiration dates for the Master Development Order (MDO) of the Babcock Ranch Community Development of Regional Impact (DRI).
- On June 11, 2013, the Board approved Resolution 2013-033 to allow for the statutory and executive order extensions of all commencement, phase, build-out and expiration dates for the MDO of the Babcock Ranch Community DRI.

For this amendment, the applicant has requested the following major modification to the MDO:

- Update requirements to make the development order more reflective of current conditions.
- Revise the MDO Master Plan.

- Affordable Housing Requirements  
The applicant is requesting revisions to the Affordable Housing conditions set forth in the current MDO because the existing conditions tied to anticipated affordable housing programs are no longer in existence. The applicant worked with staff from the Department of Economic Opportunity (DEO) and the County as well as the SWFRPC to create a new set of conditions. These conditions will allow analyses of Affordable Housing need upon development of the 1.5 millionth square feet of non-residential development approved in the development and to provide for mitigation of the identified significant impact as it occurs.
- Site Lighting Standards  
The applicant is proposing to keep the original language of “Site lighting will be modeled after the International Dark-Sky Association” but also to add additional language of “or similar guidelines” to be more flexible.
- Gross Residential Density Condition and Development Program  
The applicant is revising the Increment Review requirement in order to allow the development be more flexible so that commercial and office does not have to be built until there are enough residents to support the businesses and also to be consistent with the County’s Comprehensive Plan.
- Buildout and Expiration Dates as well as permits  
The applicant is requesting to update the buildout and expiration dates to reflect dates set forth in Resolution #2013-033. The applicant also revised the MDO to reflect issuance of permits.
- Correct scrivener’s errors.  
The applicant updated the information on Page 5 regarding the Landfalling Storm Surge Zones Map, which should be SPAM Map #64 not Map 3.13.

This NOPC application was submitted to the Southwest Florida Regional Planning Council (SWFRPC) on March 29, 2013, and was heard by the SWFRPC on November 21, 2013. Staff has received a report from the SWFRPC stating that the proposal is not a substantial deviation. Staff concurs that, by the standards set in Chapter 380.06(19)(e). F.S., the applicant has provided clear and convincing evidence their request does not constitute a substantial deviation.

**STAFF RECOMMENDATION:**

“Approve adoption of Petition No. NOPC-13-04-08 based on the findings and analysis in the Comprehensive Planning Division staff report dated November 22, 2013 and the evidence presented at the public hearing on the application.”

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. NOPC-13-04-08 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated November 22, 2013 and the evidence presented at the public hearing on the application.”

**PART II: RESEARCH AND FINDINGS**

1. **2050 Framework Designation:** The northern portion of the property is designated as Managed Neighborhood, a small portion located in the center of the site is designated as Conservation, and the rest of the property is designated as Emerging Neighborhood.
2. **2030 Service Area Delineation:** Urban Service Area.
3. **Existing Land Use on the Site:** The site is currently vacant, beyond a variety of mining and agricultural uses.

**4. Existing Designation(s):**

FLUM	Development Standard
<b>Babcock Mixed Use (BMU)</b>	<p>These lands shall develop to the standards and guidelines provided in this Comprehensive Plan within the policies of the Babcock Ranch Overlay District (BROD), within the Master Development Order for the Babcock DRI, and subsequent incremental Development Orders, and in the Babcock Ranch Zoning District. The BMU covers approximately 13,630 acres and is situated in the southwest portion of the Babcock Ranch, east of S.R. 31 and adjacent to the Charlotte-Lee County line.</p> <p><b><u>Maximum Density/Intensity</u></b>                      Development within the BROD is limited to 17,870 dwelling units and 6,000,000 square feet of non-residential uses. This total square footage for non-residential uses is further defined as including:</p> <ul style="list-style-type: none"> <li>• 4,840,000 square feet commercial/office/retail (including medical), 650,000 square feet of light industrial,</li> <li>• 150,000 square feet of government/civic uses,</li> <li>• 72 golf course holes, and</li> <li>• 600 hotel rooms (360,000 square feet).</li> <li>• Primary Greenways: Minimum 4,700 acres</li> <li>• Parks: Minimum 255 acres</li> <li>• Schools square footage shall not count as part of the 6,000,000 square feet of non-residential or public/civic square footage.</li> </ul>
Zoning	Development Standard
<b>Babcock Zoning District (BZD)</b>	<p>The intent of the Babcock Ranch overlay zoning district (district) provides for an environmentally friendly community that respects the intrinsic natural values and functions of the land allowing development to occur in harmony with nature. The district provides a vehicle to cluster compact development in a functional form to allow interconnected open space to maintain and enhance native habitat and allow recreational opportunities. The district encourages a high-tech, energy efficient and environmentally friendly mix of residential, retail and office commercial, light industrial, civic and educational facilities, open space, parks and recreational and institutional uses. The regulations contained herein are designed to meet</p>

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	the intent of the goals, objectives, and polices of the Babcock Ranch Overlay District (BROD) contained in the Future Land Use Element of the Charlotte County Comprehensive Plan, and the Development Agreement entered into between Charlotte County and MSKP III, Inc., dated April 4, 2006 (development agreement).
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Table 1

**Attachment 1**  
**Account Numbers**

422636100001, 422635100001, 422634100001, 422633100001, 422632100001, 422631100001,  
422625100001, 422626100001, 422627100001, 422628100001, 422629100001, 422630100001,  
422624300001, 422623400001, 422622300001, 422619300002, 422621100001, 422620100001,  
422617400001, 422615100001, 422616200001, 422610300001, 422609100001, 422608200001,  
422604300001, 422605100001, 422606200001, 412631300001, 412633300001, 412632200001,  
412629300001, 422619300001

## **Attachment 2**

### **Legal Description**

LINE	BEARING	LENGTH
L1	S89°41'45"E	5189.75
L2	S89°41'45"E	5306.08
L3	S89°37'16"E	5289.11
L4	S89°35'44"E	5294.60
L5	S89°35'44"E	5294.60
L6	S89°35'44"E	3430.66
L7	N00°00'40"W	10185.53
L8	N05°46'23"E	1058.56
L9	N66°40'38"W	200.62
L10	S83°12'47"W	1373.33
L11	N30°17'33"W	1686.63
L12	N70°02'41"W	1332.41
L13	S72°42'44"W	1430.81
L14	N49°18'31"W	2362.25
L15	S69°00'57"W	1518.19
L16	S21°08'17"W	865.44
L17	S20°29'11"E	1376.91
L18	N74°38'25"E	1635.69
L19	S00°18'50"E	1309.92
L20	S89°45'02"W	4154.48
L21	N51°39'36"W	782.53
L22	N04°14'12"E	1329.59
L23	N39°20'59"W	1779.16
L24	N42°01'35"W	1162.94
L25	S52°01'16"W	818.34
L26	S62°56'46"W	516.42
L27	S89°59'33"W	307.20
L28	N80°06'18"W	334.84
L29	N20°54'51"W	336.86
L30	N05°03'05"E	533.35
L31	N22°47'49"E	5490.82
L32	N55°42'26"E	195.73
L33	N21°59'06"W	1739.17
L34	N52°37'55"E	867.75
L35	N13°36'57"W	2507.33
L36	S78°50'16"W	687.95
L37	N19°48'25"W	366.25
L38	N08°01'21"W	493.32
L39	N03°43'40"E	687.22
L40	N00°28'20"E	674.51
L41	N25°12'33"W	261.13
L42	N42°54'55"W	643.19
L43	N07°19'37"W	171.40
L44	N13°05'30"E	201.96
L45	N32°40'01"W	186.12
L46	N05°04'15"W	1832.77
L47	N19°47'08"W	527.20
L48	N26°13'22"W	802.13
L49	S79°06'55"W	475.20
L50	N74°19'19"W	1689.05
L51	N01°26'06"W	897.42
L52	N89°51'42"W	67.91
L53	N00°00'03"W	1218.37
L54	N39°50'11"W	190.86
L55	N00°00'29"W	324.62
L56	N89°59'52"W	688.20
L57	N00°00'00"E	1967.22
L58	N41°13'25"W	2825.17
L59	S89°59'57"W	3566.80
L60	S00°00'03"E	2799.34
L61	S89°11'17"W	5960.98
L62	S00°48'43"E	2976.13
L63	S00°34'01"W	786.25
L64	S89°25'59"E	4104.32
L65	S00°01'22"E	2084.04
L66	S16°46'15"E	1740.24
L67	S09°11'59"W	1325.85
L68	S73°15'18"E	661.15
L69	N59°20'29"E	577.75
L70	S38°10'48"E	551.46
L71	S86°25'58"E	385.80
L72	S24°01'11"E	975.12
L73	S57°46'34"E	530.20
L74	S70°04'12"E	1843.47
L75	N63°01'21"E	1214.99
L76	S50°03'22"E	2565.56
L77	S13°56'09"W	1953.90
L78	S12°51'59"E	1862.33
L79	S71°59'01"W	448.53
L80	N45°00'57"W	266.60
L81	S69°50'23"W	1104.27
L82	S28°10'55"E	1272.60
L83	S62°45'03"W	4638.30
L84	S82°12'01"W	711.48
L85	S81°38'00"W	5167.82
L86	N77°54'41"W	707.32
L87	N89°28'15"W	299.98
L88	S00°31'45"W	4197.71
L89	S00°26'10"W	5282.33
L90	S00°36'46"W	5337.00

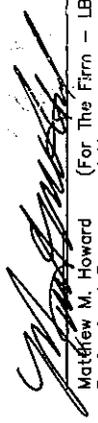
**NOTES:**

1. Date of last field work: July 2006.
2. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
3. Sketch of Description performed as requested by Kitson & Partners.
4. Bearing Reference: State Plane Coordinate, Florida West Zone, NAD 83(99). Bearing of S89°41'45"E on the South line of Section 31, Township 42 South, Range 26 East.
5. Dimensions and acreage shown on survey map are grid values.

This sketch of description is only for the benefit of:

Babcock Ranch Community

I hereby certify that this sketch of description was prepared under my direction and is correct to the best of my knowledge and belief and meets the minimum technical standards for surveys as required by law. Florida Statutes Chapter 472, Chapter 61G17 F.A.C.



Matthew M. Howard (For The Firm - LB 642)  
Professional Surveyor and Mapper  
Florida Certificate No. 4912

Date signed: 10-23-07

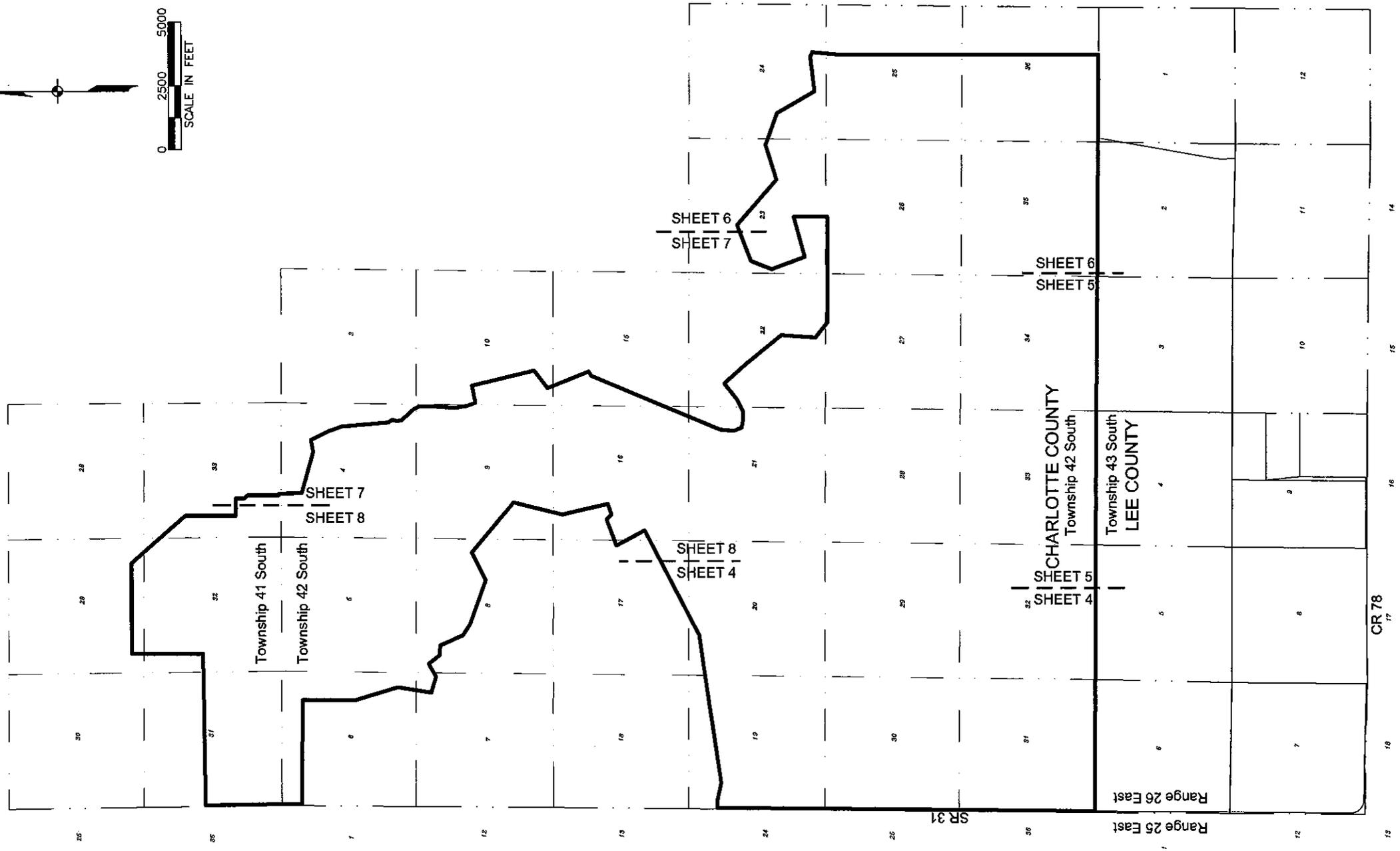
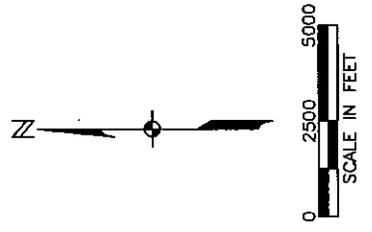
This sketch of description is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.



251 WEST HICKPOCHEE AVENUE  
LABELLE, FLORIDA 33935  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #642 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	1



S:\2006201-01\Charlotte-Sketch and Description.dwg (1x14-P (2)) op Oct 23, 2007 - 8:02am

**JOHNSON**  
**ENGINEERING**

251 WEST HICKPOCHEE AVENUE  
LABELLE, FLORIDA 33935  
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E.B. #642 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	2

**CHARLOTTE COUNTY PARCEL:**

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.22 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 422.54 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,986.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.60 acres, more or less.

Dimensions and acreage shown are grid values.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.



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E.B. #642 & L.B. #642

**Babcock Ranch Community  
Sketch Of Description**

DATE January 2007	PROJECT NO. 20055693-602	FILE NO. 31-42-26	SCALE As Shown	SHEET 3
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13

18

17

P.O.B. = Point of Beginning  
 P.O.C. = Point of Commencement  
 Twp. = Township  
 Rge. = Range  
 Sec. = Section  
 Cor. = Corner



MATCHLINE SHEET 8

L83

L84

L85

L87

L86

SR 31

50'

East  
Right-of-Way  
Line.

L88

24

20

19

25

L89

30

29

SR 31

36

L90

31

**CHARLOTTE COUNTY**  
 Township 42 South

P.O.C.  
 S.W. Cor.  
 of Sec.31,  
 Twp.42S.,  
 Rge.26E.,

P.O.B.

S89°41'45"E  
 L1

S.W. Cor.  
 of Sec.32,  
 Twp.42S.,  
 Rge.26E.

L1

Township 43 South  
**LEE COUNTY**

East  
Right-of-Way  
Line.

50'

Range 25 East

1

Range 26 East

6

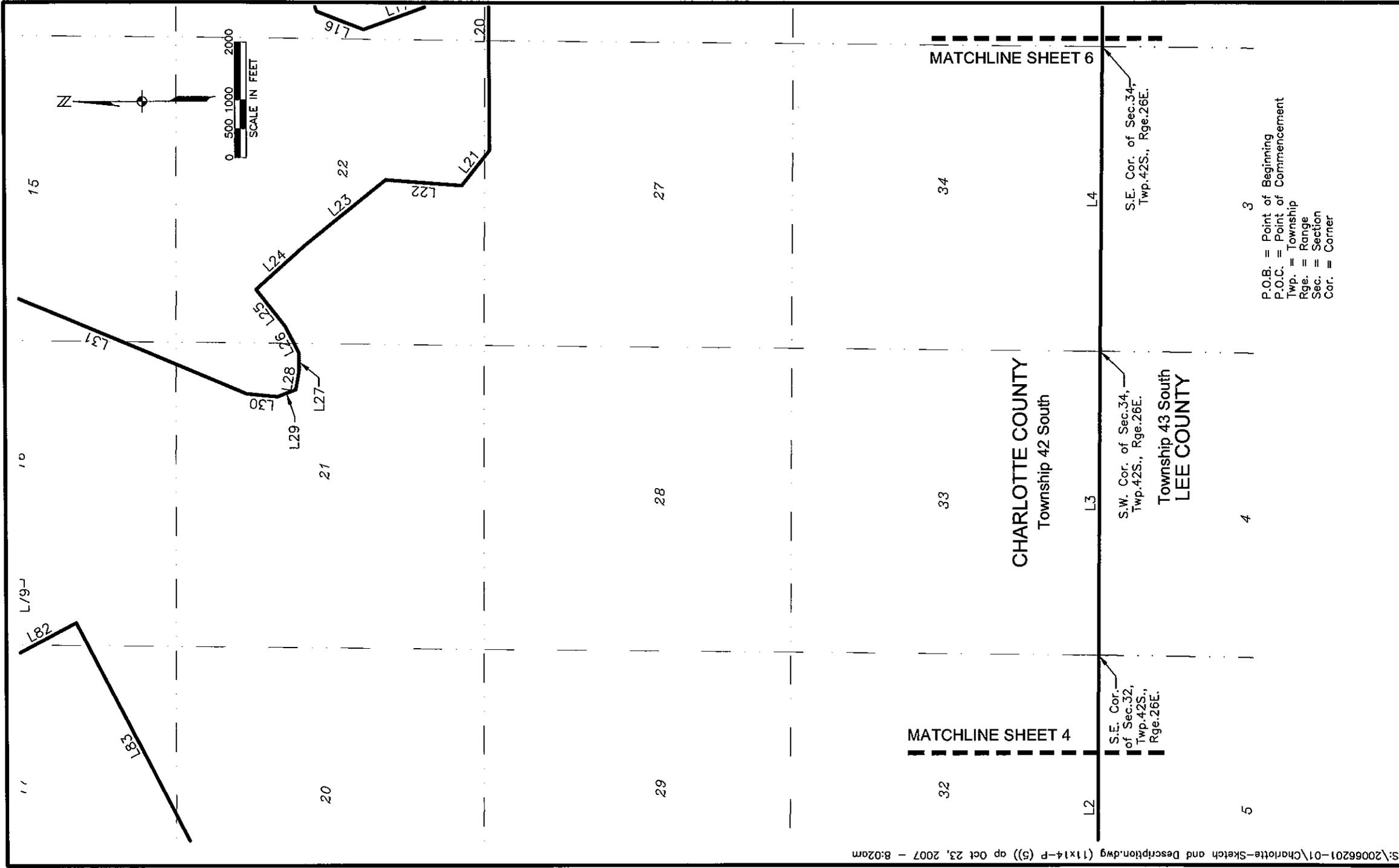
L2

MATCHLINE SHEET 5

32

S.E. Cor.  
 of Sec.32,  
 Twp.42S.,  
 Rge.26E.

5



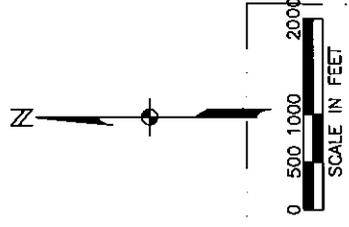
S:\20066201-01\Charlotte-Sketch and Description.dwg (11x14-P (5)) op Oct 23, 2007 - 8:02am

251 WEST HICKPOCHEE AVENUE  
 LABELLE, FLORIDA 33935  
 PHONE (863) 612-0594  
 FAX (863) 612-0341  
 E.B. #642 & L.B. #642

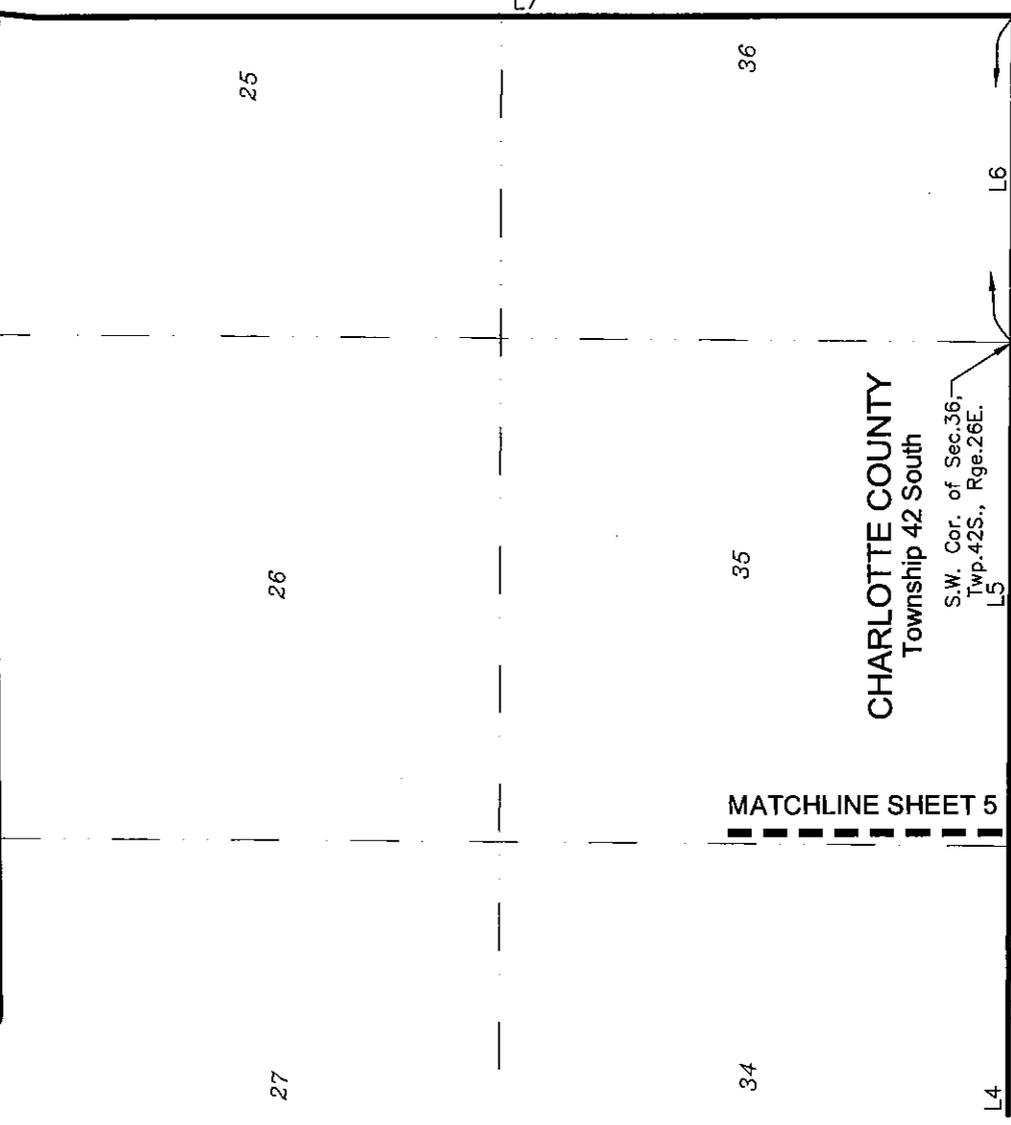
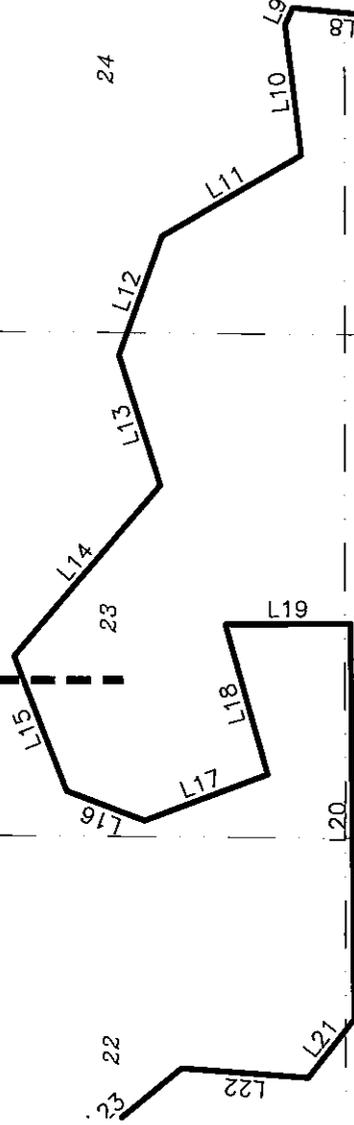
**JOHNSON**  
**ENGINEERING**

Babcock Ranch Community  
 Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-802	31-42-26	As Shown	5



MATCHLINE SHEET 7



MATCHLINE SHEET 5

CHARLOTTE COUNTY  
Township 42 South

S.W. Cor. of Sec. 36,  
Twp. 42S., Rge. 26E.  
L5

Township 43 South  
LEE COUNTY

N.E. Cor. of Sec. 1,  
Twp. 43S., Rge. 26E.

S.E. Cor. of Sec. 34,  
Twp. 42S., Rge. 26E.

- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- Twp. = Township
- Rge. = Range
- Sec. = Section
- Cor. = Corner

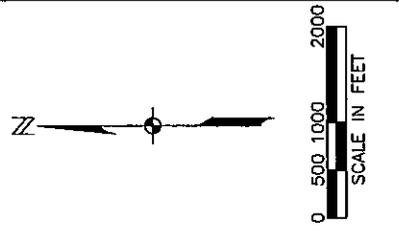
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**JOHNSON**  
**ENGINEERING**

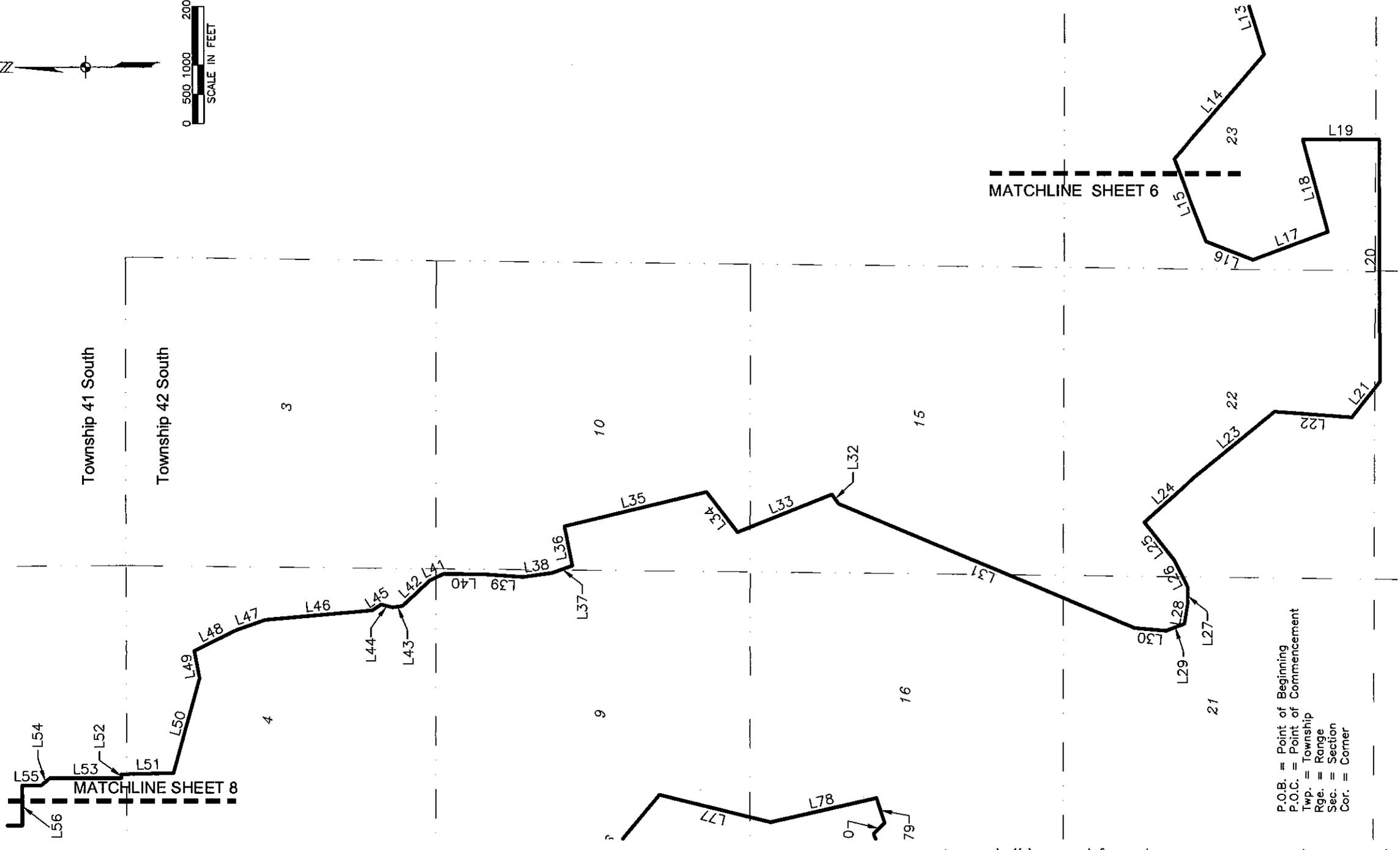
251 WEST HICKPOCHEE AVENUE  
LABELLE, FLORIDA 33935  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #642 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	6



Township 41 South  
Township 42 South



P.O.B. = Point of Beginning  
P.O.C. = Point of Commencement  
Twp. = Township  
Rge. = Range  
Sec. = Section  
Cor. = Corner

MATCHLINE SHEET 6

MATCHLINE SHEET 8

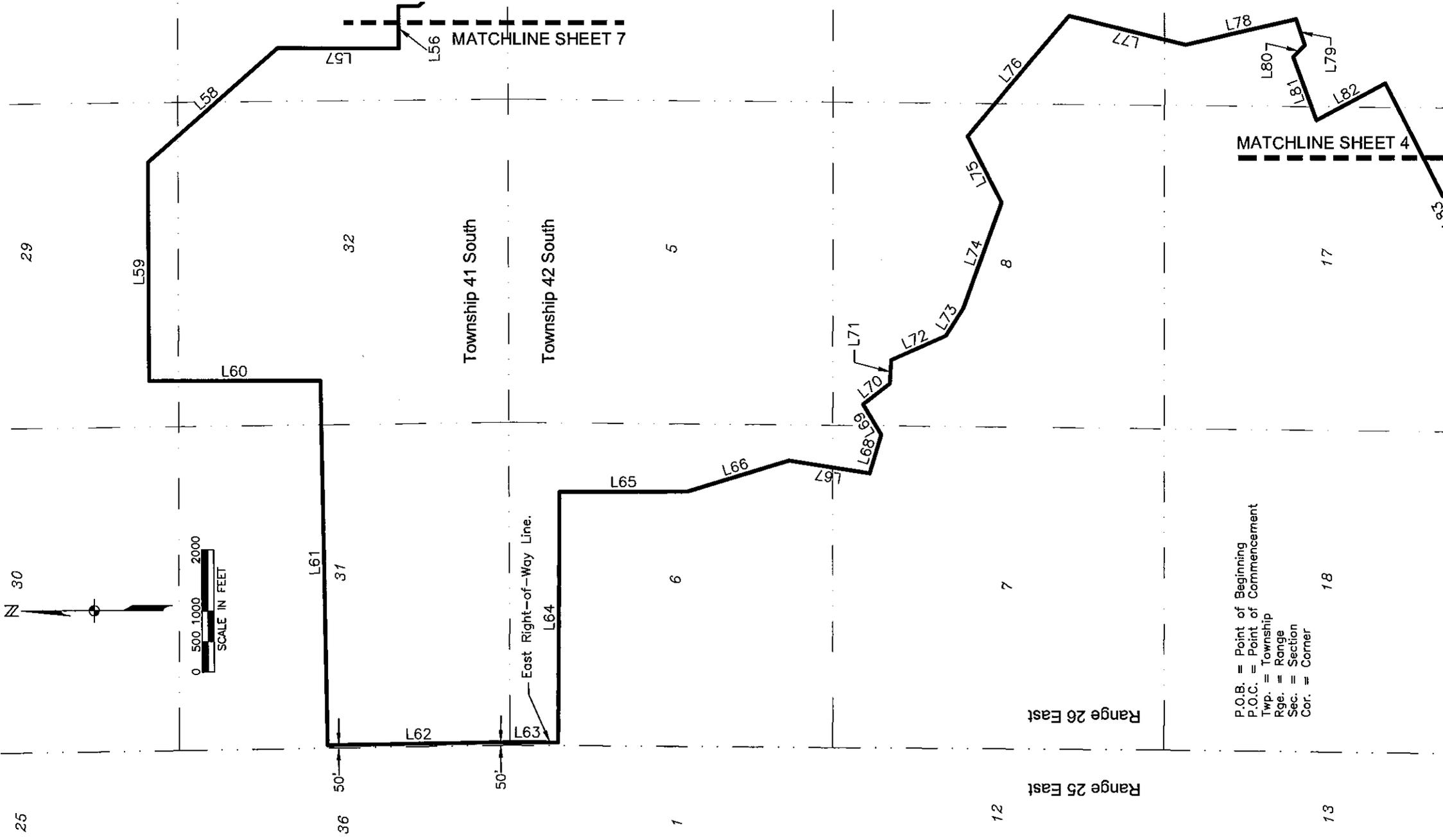
251 WEST HICKPOCHEE AVENUE  
LABELLE, FLORIDA 33935  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #842 & L.B. #642

**JOHNSON**  
**ENGINEERING**

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	7

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 FAX (863) 612-0341  
 E.B. #642 & L.B. #642

## Babcock Ranch Community Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	8

**BABCOCK RANCH COMMUNITY**

**MASTER DEVELOPMENT  
OF  
REGIONAL IMPACT**

**MASTER DRI DEVELOPMENT ORDER**

**BOARD OF COUNTY COMMISSIONERS  
CHARLOTTE COUNTY, FLORIDA**

| **AMENDED ~~DECEMBER 13, 2011~~ (INSERT DATE)**

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RESOLUTION NO. ~~2011~~2013-\_\_\_\_\_

**AN AMENDMENT AND RECODIFICATION OF THE MASTER DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT.**

WHEREAS, on February 23, 2007, Babcock Property Holdings, LLC (“Developer”), by and through its authorized agent, WilsonMiller, Inc. in accordance with Subsections 380.06(6) and (21), Florida Statutes, filed an Application for Master Development Approval (“AMDA”) of a Development of Regional Impact (DRI) known as the Babcock Ranch Community (hereinafter “~~Babcock Charlotte~~BRC”) with Charlotte County, Florida (“County”) and the Southwest Florida Regional Planning Council (“SWFRPC”); and

WHEREAS, Developer, County, and the SWFRPC entered into a Master DRI Agreement on March 13, 2007 (fully executed March 16, 2007), as required by Section 380.06(21)(b), Florida Statutes (“AMDA Agreement”); and

~~WHEREAS, the County Board of County Commissioners (“Board”), as the governing body of the unincorporated area of Charlotte County having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider the Application for Master Development Approval (“AMDA”) for the Babcock Charlotte Master DRI; and~~

~~WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, and the Charlotte County Land Development Code (LDC), which includes the County’s Zoning Ordinance have been satisfied; and~~

~~WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the report and recommendations of the SWFRPC and held a public hearing to consider the AMDA on December 10, 2007; and~~

1       ~~WHEREAS, the issuance of a development order pursuant to Section 380.06, Florida~~  
2 ~~Statutes, does not constitute a waiver of any powers or rights of County regarding the issuance of~~  
3 ~~other development permits consistent herewith; and~~

4       ~~WHEREAS, County and Developer entered into a development agreement on April 20,~~  
5 ~~2006, which sets forth various rights and duties of the parties with respect to infrastructure for~~  
6 ~~Babcock Charlotte (“Charlotte Development Agreement”); and~~

7       WHEREAS, the Babcock Ranch Community Independent Special District (“District”)  
8 was established by the 2007 Session of the Florida Legislature to design, finance, construct,  
9 operate, and maintain various infrastructure elements within ~~Babcock Charlotte~~BRC; and

10       WHEREAS, on December 13, 2007, the Board of County Commissioners of Charlotte  
11 County, Florida (“Board”), ~~at a public hearing in accordance with Section 380.06, Florida~~  
12 ~~Statutes, having considered the AMDA for the Babcock DRI submitted by Developer, the~~  
13 ~~AMDA sufficiency questions from reviewing agencies and Developer’s responses thereto, the~~  
14 ~~report and recommendations of the SWFRPC, the documentary and oral evidence presented at~~  
15 ~~the hearing before the Board, the report and recommendations of the Charlotte County Planning~~  
16 ~~and Zoning Board, the recommendations of Charlotte County staff, and the Charlotte~~  
17 ~~Development Agreement,~~ approved and adopted the Babcock Ranch Community Master  
18 Development of Regional Impact Master DRI Development Order (“MDO”) under Resolution  
19 2007-196; and

20       WHEREAS, ~~an appeal of the MDO was filed resulting in an amendment to the MDO~~  
21 amended on June 17, 2008 under Resolution 2008-063 thereby giving the MDO an effective date  
22 of September 1, 2008; and subsequently amended on December 15, 2009 by Resolution 2009-

1 283, and on December 13, 2011 by Resolution 2011-485, and on April 24, 2012 by Resolution  
2 2012-024; ~~and~~

3 ~~WHEREAS, on January 16, 2009 Developer filed an Application for Incremental~~  
4 ~~Development Approval (“AIDA”) known as the Babcock Ranch Community, Increment 1; and~~

5 ~~WHEREAS, to insure consistency between the MDO and approval of the AIDA for~~  
6 ~~Increment 1, certain amendments were needed to the MDO relating to transportation and Map H;~~  
7 ~~and~~

8 ~~WHEREAS, on December 15, 2009 the Board, at a public hearing in accordance with~~  
9 ~~Section 380.06, Florida Statutes, after consideration of all appropriate information, approved~~  
10 ~~Resolution 2009-283, amending the MDO to insure consistency between the MDO and the~~  
11 ~~Increment 1 Development Order; and; and~~

12 WHEREAS, the Developer has timely notified the County ~~on July 1, 2011~~ of the  
13 extension of the phase, expiration and buildout dates for the MDO, as well as the associated  
14 mitigation requirements, ~~by four years for both the MDO and the Increment 1 Development~~  
15 ~~Order~~, under Section ~~5473~~, Chapter 2011-139 Laws of Florida, and in accordance with Section  
16 252.363, Florida Statutes, so that all phase, expiration and buildout dates, as well as associated  
17 mitigation dates contained within ~~both the MDO\_ and the Increment 1 Development Order are~~  
18 hereby were cumulatively extended as hereinafter provided ~~by 4 years from the dates indicated in~~  
19 ~~the respective development orders; and~~

20 ~~WHEREAS, notwithstanding the preceding Whereas clause, in recognition of the fact~~  
21 ~~that the initial Master Traffic Study Update analyzed traffic impacts through the year 2035, the~~  
22 ~~time tolled pending the appeal of the initial approval of the MDO, and the ability to request a~~

~~five year extension of the buildout date pursuant to Section 380.06(19)(e)1, F.S., the buildout date for the MDO is hereby extended from December 31, 2034 to July 5, 2040; and~~

WHEREAS, the Developer has filed a Notice of Proposed Change (NOPC) to amend the MDO ~~to increase the office allotment and decrease the retail allotment approved for the development, and also update Exhibit F as a result of performing the initial Master Traffic Study Update;~~ and

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the report and recommendations of the SWFRPC and held a public hearing to consider the amendments to the MDO on ~~November 14, 2011~~ \_\_\_\_\_; and

WHEREAS, on ~~December 13, 2011~~ \_\_\_\_\_, the Board, at a public hearing in accordance with Section 380.06, Florida Statutes, considered the application for amendment to the MDO ~~for the Babcock Master DRI~~ submitted by Developer, the report and recommendations of the SWFRPC, the documentary and oral evidence presented at the hearing before the Board, the report and recommendations of the Charlotte County Planning and Zoning Board, and the recommendations of ~~Charlotte County~~ County staff, ~~and the Charlotte Development Agreement~~. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA THAT:

**RECITALS**

The recitals set forth above are true and correct and are incorporated herein and made a part hereof and the MDO is amended to provide as follows.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The real property constituting the ~~Babcock Ranch Community~~ BRC in Charlotte County ~~which is the subject of the AMDA,~~ consists of approximately 13,630 acres, and is legally

1 described as set forth in Exhibit “A” attached hereto and made a part hereof (“Property” or  
2 “Community”).

3 2. The AMDA is consistent with Subsections 380.06(6) and (21), Florida Statutes.

4 3. The Developer submitted to the County an AMDA in February, 2007 and responses to  
5 sufficiency questions in June, 2007 and in July, 2007. The representations and commitments of  
6 Developer ~~made in those documents~~ which are made conditions of this development order are  
7 identified and set forth in the relevant provisions of this development order (“Representations  
8 and Commitments as Conditions”).

9 4. According to Map #64, Landfalling Storm Surge Zones, included in the Supporting  
10 Policy and Analysis Map Series (SPAM) of the 2050 Smart Charlotte Comprehensive Plan,  
11 portions of BRC are located within the Category 4/5 Storm Surge Zone, and the balance of the  
12 BRC is located outside of any listed storm surge zone. ~~Most of Babcock Charlotte is located~~  
13 ~~above the Category 3 Storm Surge for a land-falling event as currently mapped in Chapter 3 Map~~  
14 ~~3.13 of the 2050 Smart Charlotte Comprehensive Plan. However some portions are within the~~  
15 ~~Category 4/5 Storm Surge Zone.~~

16 5. The Developer proposes to develop ~~Babcock Charlotte~~ BRC in accordance with the  
17 Babcock Master Concept Plan (~~Map “H” in the AMDA~~) attached hereto as Exhibit “B” attached  
18 hereto and made a part hereof. Map “H” will be further revised as part of each Incremental  
19 development order. ~~Map “H”, and as further revised in each Increment, constitutes the revised~~  
20 ~~Master Plan for the Babcock Ranch Overlay District (“BROD”) in the County’s Comprehensive~~  
21 ~~Plan and the revised Exhibit C-1 in the Charlotte Development Agreement.~~ The development  
22 program authorized by this development order is as follows (“Development Program” or  
23 “Project”):

- 1 (i) 17,870 residential dwelling units (recreational vehicle park uses shall count as  
2 dwelling units on a one vehicle rental or owner equals one dwelling unit),
- 3 (ii) 1,400,000 square feet of retail,
- 4 (iii) 3,500,000 square feet of office (general office; medical office; and civic,  
5 community, and miscellaneous public facilities),
- 6 (iv) 600 hotel rooms (assumes 360,000 square feet of building),
- 7 (v) 650,000 square feet of industrial,
- 8 (vi) 177 hospital beds,
- 9 (vii) 418 units of assisted living facilities,
- 10 (viii) 54 golf holes,
- 11 (ix) Ancillary facilities ~~of such as~~ the educational service center, schools, and  
12 university research facilities as identified in Exhibit “B”, attached hereto,  
13 libraries, places of worship, regional and community park sites. and the necessary  
14 utility infrastructure including, but not limited to, water, wastewater and reuse  
15 water systems, electric, telephone and cable systems will not be attributed to other  
16 development components set forth above, and will not count towards the  
17 maximum thresholds of development as established in the Development Order  
18 and the BROD policies of the 2050 Smart Charlotte Comprehensive Plan.
- 19 (x) All other ancillary facilities, ~~such as libraries, places of worship and regional and~~  
20 ~~community park sites~~ together with the development components set forth above  
21 (excluding ix) shall not exceed the maximum thresholds established in the  
22 Development Order and the BROD policies of the 2050 Smart Charlotte  
23 Comprehensive Plan.

1 (xi) Temporary housing for construction workers and their families will not count  
2 against the residential dwelling units allowed by subsection (i) above.

3 (xii) The total development within the BROD shall not exceed 17,870 dwelling units  
4 and 6,000,000 square feet of non-residential uses, not including the educational  
5 service center, schools, and university research facilities, libraries, places of  
6 worship, regional and community park sites which square footage will be  
7 additional.

8 6. The development is not in an area designated as an Area of Critical State Concern  
9 pursuant to the Provisions of Section 380.05, Florida Statutes, as amended.

10 7. The development of ~~Babcock-Charlotte~~BRC is consistent with the current land  
11 development regulations and the Comprehensive Plan of County, as amended, adopted pursuant  
12 to Chapter 163, Part II, Florida Statutes.

13 8. The ~~Babcock-Charlotte~~BRC development is consistent with the State Comprehensive  
14 Plan.

15 9. ~~Babcock-Charlotte~~BRC is expected to be developed in increments pursuant to  
16 applications for incremental development approval (“AIDA’s”). The DRI questions which must  
17 be addressed by those applications and the scopes of review of those applications ~~have been~~  
18 ~~agreed to in the AMDA Agreement and~~ are set forth in the pertinent provisions of this  
19 development order and are repeated in Exhibit “C” attached hereto and made a part hereof.

20 **CONDITIONS**

21 **1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL.**

22 AIDA’s shall be required to address only those application questions identified for  
23 increments or to provide the documentation described in Exhibit “C” attached hereto and made a  
24 part hereof.

1 **2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT**  
2 **PROGRAM.**

3 A. Representations and Commitments as Conditions.

4 The gross residential density for the 13,630.6 acres is anticipated to be approximately  
5 1.31 dwelling units per acre. The net density of the development areas is anticipated to be  
6 approximately 4.05 dwelling units per acre. The calculation for net density is based on the area  
7 of the development pods (~~i.e. Town Center, Villages and Hamlets~~). The net densities within the  
8 development pods will increase consistent with the planning approach to cluster development ~~in~~  
9 ~~predominantly ecologically benign areas~~. As provided in the BROD, net densities in those  
10 development pods will range from 3 to 16 units per acre in villages and hamlets, and from 3 to  
11 24 units per acre in the town center.

12 B. Other Conditions.

13 The Development Program is approved and may be adjusted by Developer in accordance  
14 with an equivalency matrix to be adopted in an Incremental development order.

15 C. Incremental Review.

16 ~~(1) — As part of the review of the first AIDA, a visioning workshop will be held~~  
17 ~~to solicit public input on the implementation of the Master Plan for Babcock~~  
18 ~~Charlotte. Said workshop will be advertised pursuant to County's advertising~~  
19 ~~requirements for workshops.~~

20 ~~(2)(1) Each Incremental development order will establish the amount of non-~~  
21 ~~residential development which must be constructed by the end of the Increment~~  
22 ~~relative to the cumulative number of residential units which have been, or are~~  
23 ~~projected to be, developed by the end of that Increment, and shall be consistent~~

1 ~~with the development limits established in the BROD.~~The BROD Summary  
2 Phasing Plan is subject to adjustment through the DRI, State and Federal  
3 permitting processes. Incremental Development Orders shall establish the  
4 phasing of development within an increment by determining the amount of  
5 residential and non-residential development within the Town Center, each  
6 Village, and each Hamlet.

7 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
8

1 **3. AFFORDABLE HOUSING**

2 A. Representations and Commitments as Conditions.

3 (1) Provide a diversity of housing types to enable citizens from a wide range  
4 of economic levels and age groups to live within the BRC. This would  
5 include the provision of affordable/workforce housing at a level of ten  
6 percent (10%) of the total number of residential housing units built within  
7 the BRC. Affordable housing is defined where monthly rents or mortgage  
8 payments for housing, including taxes, insurance and utilities do not  
9 exceed thirty (30%) percent of the gross annual income of the  
10 development's very low, low, and moderate income households as defined  
11 in Rule 73-C40.048(e), F.A.C. Workforce housing is defined in Chapter  
12 420.5095(3)(a), F.S.

13 (2) The County recognizes that adequate housing should be provided only  
14 when a demonstrated need for housing among various income groups is  
15 clearly identified that can be directly attributed to the development and  
16 buildout of the BRC.

17 (3) A "Determination of Adequate Need" for housing in the BRC shall be  
18 assessed through the completion of a reliable affordable housing market  
19 analysis which evaluates the housing demand within the BRC and  
20 researches the available adequate housing supply reasonably accessible to  
21 the BRC, which is defined as a 10 mile radius or 20 minute drive during  
22 peak hour, whichever is less, from the BRC, but may be adjusted with the  
23 agreement of DEO and the County.

1           (4) The Developer commits to undertaking the “Determination of Adequate  
2           Housing Need” analysis to assess the demand, supply, and need for  
3           affordable rentals and homes based on a market housing analysis at a point  
4           in time when the BRC has reached a significant non-residential buildout  
5           stage. That threshold is defined as the time when building permits have  
6           been issued for the 1.5 millionth square foot of non-residential  
7           construction.

8           (5) The Developer would be required to initiate the first housing needs  
9           analysis within 6 months from the time that the analysis is triggered.

10          (6) The housing needs analysis would evaluate the housing demand of the  
11          BRC employee households at very low, low, and moderate household  
12          income levels, and at the option of the Developer, could evaluate the  
13          housing demand for workforce income levels, the available supply of  
14          housing that is reasonably accessible for the very low, low, and moderate  
15          household income levels and determine if there is a significant need for  
16          housing for these defined income levels. At the option of the Developer,  
17          the analysis could evaluate the available housing supply for workforce  
18          income levels that is reasonably accessible to the BRC.

19          (7) The SWFRPC, DEO, and the County must agree upon the methodology  
20          utilized to conduct the Determination of Adequate Housing Need analysis.  
21          The methodology may utilize a private affordable housing market study  
22          appraiser approved by the Florida Housing Finance Corporation. The  
23          market area assessed would conform to ECFRPC model, or another

1 methodology as approved by the review agencies and the County, which  
2 examines whether or not there is a significant housing demand for the very  
3 low, low, and moderate income groups and whether there is available  
4 adequate housing that is reasonably accessible to the BRC. At the option  
5 of the Developer, the analysis could evaluate the available housing  
6 demand and supply for workforce income levels that is reasonably  
7 accessible to the BRC.

8 (8) If the Determination of Adequate Housing Need analysis documents that  
9 there is a significant impact, defined as evidence that the BRC's  
10 cumulative adequate housing need for the very low, low, and moderate  
11 household income levels, at the time of the analysis, is projected to  
12 exceed five (5%) percent of the County's residential threshold calculation,  
13 or 50 units, whichever is larger, then the Developer shall be required to  
14 submit a Notice of Proposed Change amendment to the MDO to  
15 incorporate the findings of the analysis and the agreed upon mitigation.

16 (9) The Developer may choose to mitigate any significant impact identified by  
17 the analysis through a variety of options including, but not limited to: 1)  
18 incentivizing or building adequate housing onsite, or reasonably accessible  
19 to the site; 2) payment to an affordable housing trust fund sufficient to  
20 meet the cost of rehabilitation existing or construction of new units; or 3)  
21 dedicated rent or payment subsidies to the BRC's very low, low, and  
22 moderate income employees sufficient to satisfy the adequate housing  
23 need identified for each salary range. At the option of the Developer,

1 workforce housing may be included at no more than twenty-five (25%)  
2 percent of the required mitigation unless the housing study determines  
3 there is not a significant need for the very-low, low and moderate income  
4 households.

5 (10) The mitigation strategy recommended by the BRC must be approved by  
6 the County and must be initiated within 6 months of approval as a Notice  
7 of Proposed Change to the MDO.

8 (11) Requirements to undertake further housing needs assessments through  
9 methods described above shall occur at each additional 1.5 million sq. feet  
10 of permitted non-residential through build out.

11 (12) Developer shall not be required to provide affordable and/or workforce  
12 housing mitigation in excess of ten (10%) percent of the total number of  
13 residential units constructed within the BRC.

14 (13) The County commits that affordable housing units shall be eligible for  
15 whatever incentives and/or programs that it may establish after the actual  
16 date of offering of said unit to the public by the Developer. The County  
17 shall use its best efforts to continue to develop and maintain incentives and  
18 programs specifically targeted at affordable units within the BRC.

19 (14) The County shall include the needs of the BRC in its annual Local  
20 Housing Action Plan and, to the extent available, shall provide impact fee  
21 waivers, credits, deferrals, or other regulatory and financial incentives for  
22 affordable rental and home ownership programs to all qualified buyers.

1 builders or developers within the BRC that may qualify for such credits or  
2 deferrals.

3 ~~(1) Ten percent (10%) of the total number of housing units constructed shall~~  
4 ~~be for affordable housing. At least ten percent (10%) of the residential~~  
5 ~~units in each DRI Increment of the project shall include affordable~~  
6 ~~housing. If a particular DRI Increment includes more than ten percent~~  
7 ~~(10%) of affordable housing, then the ten percent (10%) minimum in the~~  
8 ~~following or applicable DRI Increment shall be reduced proportionately.~~  
9 ~~In no event shall more than a cumulative total of ten percent (10%) of the~~  
10 ~~total number of housing units built in the project be required to be~~  
11 ~~affordable housing. Developer shall establish mechanisms, such as a land~~  
12 ~~trust, to ensure the affordability of such units into the future.~~

13 ~~(2) “Affordable Rental Unit” and “Affordable Ownership Unit” shall be~~  
14 ~~defined in the implementation agreement defined below.~~

15 ~~(3) All Affordable Units developed must be targeted to households earning~~  
16 ~~less than 120% of the County area median income (“Area Median~~  
17 ~~Income” or “AMI”) for the applicable metropolitan statistical area~~  
18 ~~(“MSA”), with adjustments for household size, as reported by the US~~  
19 ~~Department of Housing and Urban Development (“HUD”).~~

20 ~~(4) For the purposes of this provision, a “household” consists of one or more~~  
21 ~~persons living as a single housekeeping unit, whether or not they are~~  
22 ~~related by blood, marriage, or otherwise.~~

1 ~~(5) Household gross income shall be as determined by the applicable HUD~~  
2 ~~standards/guidelines. The applicable HUD standards/guidelines shall be~~  
3 ~~established in the affordable housing implementation agreement~~  
4 ~~referenced herein.~~

5 B. Other Conditions. – None.

6 ~~(1) Forty (40%) percent of all Affordable Units provided must be targeted to~~  
7 ~~households earning less than 80% of the Area Median Income (Low~~  
8 ~~Income units), with at least 10% of all Affordable Units targeted for~~  
9 ~~households under 50% of Area Median Income (Very Low Income units).~~  
10 ~~Very Low Income units shall be rental units, with no more than half of~~  
11 ~~those units age restricted.~~

12 ~~(2) Sixty percent (60%) of all the Affordable Units provided must be targeted~~  
13 ~~to households earning greater than 80% (Moderate Income units), but not~~  
14 ~~in excess of 120% of the Area Median Income.~~

15 ~~(3) Qualified owners or renters must reside in the Affordable Unit as their~~  
16 ~~primary residence.~~

17 ~~(4) Developer will provide for the location of Affordable Units in any DRI~~  
18 ~~Increment of development involving the three Villages and the Town~~  
19 ~~Center as depicted on the Master Plan in close proximity to schools and/or~~  
20 ~~business uses. The Developer is not required to provide a specific~~  
21 ~~minimum number of Affordable Units in the Hamlet developments.~~

22 ~~(5) The Affordable Units shall be situated so as not to be in less desirable~~  
23 ~~locations than the market rate units, and shall be no less accessible to the~~

1                   ~~common open spaces, public facilities, public transportation and~~  
2                   ~~commercial goods and services than the market rate units. All Affordable~~  
3                   ~~Units shall be visually compatible with any nearby market rate units and~~  
4                   ~~shall be integrated throughout the development so that there is not a~~  
5                   ~~substantial, contiguous concentration of such units in any one or few~~  
6                   ~~places.~~

7                   ~~(6) The County commits that these Affordable Units shall be eligible for~~  
8                   ~~whatever incentives and/or programs that it may establish after the actual~~  
9                   ~~date of offering of said unit to the public by the Developer. The County~~  
10                  ~~shall use its best efforts to continue to develop and maintain incentives and~~  
11                  ~~programs specifically targeted at Affordable Units.~~

12                  ~~(7) The County may offer "Impact Fee Credits or Deferrals" to its Affordable~~  
13                  ~~Housing buyers from time to time, and the County shall make these~~  
14                  ~~programs available to all qualified buyers, builders, or developers that may~~  
15                  ~~qualify for such credits or deferrals.~~

16                  ~~(8) The Developer, in its normal course of business, shall from time to time~~  
17                  ~~transfer ownership of land and/or lots within the Community to builders or~~  
18                  ~~other developers. It is understood that the subsequent owners of said land~~  
19                  ~~and/or lots shall assume the same liability that the Developer has within~~  
20                  ~~this agreement for Affordable Housing and shall similarly benefit from the~~  
21                  ~~same commitments from the County as contained or addressed herein.~~

22                  ~~(9) All Affordable Units offered for sale in the Moderate and Low Income~~  
23                  ~~categories shall be subject to a deed restriction that states that, if a sale~~

1 ~~shall occur within twenty five (25) years from the date of original~~  
2 ~~purchase, the resale price shall be limited to the initial sales price plus a~~  
3 ~~3% per year increase, any buyer's closing costs reflected in the contract,~~  
4 ~~and fifty percent (50%) of the verifiable value of any improvements made~~  
5 ~~to the unit prior to the sale. The implementation agreement described~~  
6 ~~below shall identify legitimate improvements and define the terms~~  
7 ~~"verifiable value" and "liens", as well as describe the mechanism(s) to~~  
8 ~~ensure sustainable affordability. There will be a lien recorded in the~~  
9 ~~Official Records of Charlotte County in favor of the County, which lien~~  
10 ~~shall be subordinated to the new primary lender upon verification of the~~  
11 ~~appropriate selling price for any applicable resale of the unit to a qualified~~  
12 ~~buyer. The master property owners association documents or other~~  
13 ~~recorded documents for the Community will require that the notice~~  
14 ~~language will be placed as an addendum to any and all contracts for the~~  
15 ~~resale of any qualified Affordable Units within the Community.~~

16 C. Incremental Review. – [None.](#)

17 (1) ~~Prior to the approval of the first Incremental development order,~~  
18 ~~Developer and County shall enter into an affordable housing~~  
19 ~~implementation agreement, approved by the County, which sets out all~~  
20 ~~procedures, standards, requirements, and identifies grant programs which~~  
21 ~~may be used to:~~

22 (a) ~~the effectiveness of this program;~~



1 **4. STORMWATER MANAGEMENT AND FLOOD PLAINS**

2 A. Representations and Commitments as Conditions.

3 (1) Silt fences or silt screens will be installed prior to land clearing to protect  
4 water quality and to identify areas to be protected from clearing activities  
5 and maintained for the duration of the project until all soil is stabilized.

6 (2) Floating turbidity barriers or other devices will be in place on flowing  
7 systems or in open water lake edges prior to initiation of earthwork and  
8 maintained for the duration of the project until all soil is stabilized.

9 (3) The installation of temporary erosion control barriers will be coordinated  
10 with the construction of the permanent erosion control features to the  
11 extent necessary to assure effective and continuous control of erosion and  
12 water pollution throughout the life of the construction phase.

13 (4) Turbidity resulting from construction dewatering will be managed using  
14 structural best management practices (BMPs) prior to discharge to  
15 receiving waters. Structural BMPs may include, but are not limited to,  
16 vegetated systems, detention systems (e.g., sedimentation basins),  
17 geotextiles, and other methods. Turbidity and other pollutants from  
18 construction dewatering on the Property will be reduced to meet the levels  
19 required by applicable State Water Quality Standards and as required by  
20 the National Pollutant Discharge Elimination System (“NPDES”) general  
21 permit for construction. Copies of any reports required by the NPDES  
22 permit will be maintained at the appropriate construction site with a copy  
23 being sent to the County Administrator or his or her designee.

- 1 (5) Clearing and grubbing will be so scheduled and performed such that  
2 grading operations can follow thereafter. Grading operations will be so  
3 scheduled and performed that permanent erosion control features can  
4 follow thereafter if conditions on the project permit, and not beyond the  
5 time limits established in the NPDES general construction permit.
- 6 (6) Exposed soils will be stabilized as soon as possible, especially slopes  
7 leading to wetlands. Stabilization methods include solid sod, seeding and  
8 mulching or hydromulching to provide a temporary or permanent grass  
9 cover.
- 10 (7) Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be  
11 installed at the discharge point of pipes or swales if scouring is observed.
- 12 (8) Implementation of storm drain inlet protection (such as hay bales or  
13 gravel) to limit sedimentation within the stormwater system.
- 14 (9) The allowable discharge in a 25 year 3-day design event will be limited to  
15 the South Florida Water Management District (“SFWMD”) permit for the  
16 site.
- 17 (10) The development within the FEMA floodplain will have finished floor  
18 elevations in each development pod which exceeds the 100 year 3-day  
19 design event for the adjacent water course as calculated by the backwater  
20 profile for the respective conveyance. Compensating storage will be  
21 provided to replace lost storage as part of the SFWMD permit  
22 requirements. The SFWMD standard of head loss in a 25-year 3-day  
23 design event will be met at each water crossing.

- 1           (11) The proposed development will be designed such that the potential for  
2           offsite flooding of other private property will be mitigated. This will  
3           primarily be accomplished by maintaining the existing conveyances  
4           without additional control structures except for restoration efforts. Water  
5           management control will be accomplished primarily by structures off-line  
6           from these conveyances. Off-site discharges onto the property will be  
7           properly routed around and through the property to maintain or lessen off-  
8           site flooding.
- 9           (12) Open stormwater ponds will be used for the primary volume attenuation  
10           and wet detention of water quality in accordance with Best Management  
11           Practices as outlined in the current Southwest Florida Basin Rule criteria  
12           of the SFWMD for water quality improvement.
- 13           (13) On-site wetlands within the project may be incorporated into the  
14           stormwater management system. Those wetlands outside that system will  
15           continue to store and transmit water as they do today except where  
16           modifications are made to facilitate hydrologic restoration.
- 17           (14) The stormwater treatment will include a backbone system consisting of  
18           wet detention areas and dry detention areas. Dry detention areas will not  
19           be used as the primary detention/retention component, but may be utilized  
20           in combination with wet detention/retention facilities. The stormwater  
21           treatment system will be designed in accordance with the current  
22           Southwest Florida Basin Rule Criteria of the SFWMD and will provide  
23           50% more retention/detention water quality treatment above that required

1 by Section 5.2.1(a) of the SFWMD Basis of Review. Best Management  
2 Practices will include reduced turf coverage, native landscaping, created  
3 wetlands, filter marshes, phyto-zones, extended hydraulic residence times  
4 and increased flow paths.

5 (15) The low edge of pavement for local roads to be at or above the peak stage  
6 for the 5 year-1 day event. The arterials and collectors will have one lane  
7 above the 25 year-3 day event peak stage. Parking lots will be at or above  
8 the 5 year-1 day event. Minimum swale grades in urban and suburban  
9 areas will have a minimum longitudinal slope of 0.2%. Ditches may have  
10 flatter longitudinal slopes. The minimum longitudinal slope on roads with  
11 curb and gutter will be 0.3%.

12 (16) The perimeter berm elevation will be 0.3 feet above the peak stage for the  
13 25 year-3 day event and the 100 year-1 day event.

14 (17) The treatment system will provide equal or greater post development  
15 storage volume for the 100 year-3 day event than provided by  
16 predevelopment conditions.

17 (18) There will be no increase in stream stage elevation offsite, except as  
18 permitted by the SFWMD.

19 (19) Finish floor elevations will be at least the 100 year-3 day event peak stage  
20 plus 0.5 feet.

21 (20) An Urban Water Management Plan will be developed for the site as part  
22 of the construction Environmental Resource Permit (“ERP”) process and  
23 will address the handling of waste from equestrian facilities on the site.

1 Water quality monitoring will be conducted pursuant to the Babcock  
2 Ranch Community Development of Regional Impact Environmental  
3 Methodology Supplement dated October 31, 2006.

4 B. Other Conditions.

5 (1) All internal stormwater management lakes and ditches, and any on-site  
6 preserved/enhanced wetland areas, shall be set aside as recorded drainage  
7 and/or conservation easements granted to the SFWMD, or other  
8 appropriate governmental entity with a compliance monitoring staff.  
9 Stormwater lakes shall include adequate maintenance easements around  
10 the lakes, with access to a paved roadway, as required by the appropriate  
11 governmental entity.

12 (2) Any silt barriers and any anchor soil, as well as accumulated silt, shall be  
13 removed upon completion of construction. Either the Developer or the  
14 entities responsible for the specific construction activities requiring these  
15 measures shall assume responsibility for having them removed upon  
16 completion of construction.

17 (3) Any shoreline banks created along the on-site stormwater management  
18 system shall include littoral zones constructed on slopes consistent with  
19 SFWMD, Florida Department of Environmental Protection (“FDEP”), and  
20 ~~Charlotte County~~ County requirements and shall be planted in native  
21 emergent or submergent aquatic vegetation. The Developer shall ensure,  
22 by supplemental replanting as necessary, that at least 80% cover by native

1 aquatic vegetation is established within the littoral zone planting areas for  
2 the duration of the project.

3 (4) The Developer shall conduct annual inspections in accordance with the  
4 conditions of the approved SFWMD ERP, of the ~~Babeock-Charlotte~~BRC  
5 Master Stormwater Management System and any preserved/enhanced  
6 wetland areas on the project site so as to ensure that these areas are  
7 maintained in keeping with the final approved designs, and that the water  
8 management system is capable of accomplishing the level of stormwater  
9 storage and treatment for which it was intended.

10 (5) The Developer shall undertake a regularly scheduled vacuum sweeping of  
11 all common streets and parking areas within the Town Center and the non-  
12 residential areas of the Villages. The Developer shall encourage any  
13 private parcel owners within the Town Center and the non-residential  
14 areas of the Villages to institute regularly scheduled vacuum sweeping of  
15 their respective parking areas.

16 (6) Design considerations will be given to ditch and swale slopes, where  
17 practicable, so that these facilities provide some additional water quality  
18 treatment prior to discharge. Treatment swales shall be planted with  
19 vegetation as reviewed and approved during the ERP approval process,  
20 and where practicable, landscape islands shall accommodate the detention  
21 of runoff. Design consideration will be given to the use of pervious  
22 construction materials for the surfaces of trails, walkways, and non-  
23 vehicular travel ways.

- 1           (7) Any debris that may accumulate in project lakes, ditches or swales, or  
2           which may interfere with the normal flow of water through discharge  
3           structures and under drain systems, shall be cleaned from the  
4           detention/retention areas on a regular basis. Any erosion to banks shall be  
5           repaired.
- 6           (8) Grease baffles shall be inspected and cleaned and/or repaired on a regular  
7           basis. In no instance shall the period between such inspections exceed  
8           eighteen months.
- 9           (9) Isolated wading bird “pools” shall be constructed to provide aquatic  
10          habitat for mosquito larvae predators, such as *Gambusia affinis*, and  
11          foraging areas for wading bird species, such as wood stork, consistent with  
12          SFWMD, FDEP, and County requirements.
- 13          (10) The open drainage system will be designated to provide additional water  
14          quality treatment prior to discharge. Design elements may include  
15          rainwater gardens, treatment swales planted with native vegetation, and  
16          entrainment systems. These will be reviewed and approved during the  
17          ERP approval process.
- 18          (11) Stormwater runoff should be minimized through a variety of techniques  
19          that may include rainwater gardens, bottomless planter boxes, green roofs  
20          and pervious surfaces, as well as rainwater harvesting techniques that may  
21          include cisterns and rain barrels.

- 1 (12) Landscape irrigation will be provided first through the use of reuse water,  
2 where reasonably available, and surface water from lakes. ~~Ground water~~  
3 ~~will be used to replace the surface water withdrawn for irrigation water.~~
- 4 (13) The master stormwater management system will be maintained by District  
5 or master property owners association established by covenants and  
6 restrictions on the Property.
- 7 (14) The applicant has agreed to do a new hydrologic model of the project area  
8 to determine predevelopment flow rates for use in current and future  
9 permitting. When this work is complete it will be submitted to SFWMD  
10 for review, amendment if needed, and approval. The SFWMD approved  
11 predevelopment flow rates will be used in future AIDA submissions.
- 12 (15) ~~Developer has applied to the~~ [The SFWMD](#) ~~for~~ [has issued Permit No. 08-](#)  
13 [00004-S-05 \(Application No. 070330-5\) to Developer for](#) a conceptual  
14 [ERP\\_](#) ~~(Application No. 070330-5)~~ in accordance with its jurisdiction over  
15 such matters and the Property. ~~Upon issuance,~~ Developer will follow the  
16 authorizations and permit conditions, which will be a separate and  
17 enforceable legal document in accordance with its terms. Compliance with  
18 this permit, as it may be amended from time to time, will address  
19 mitigation of certain impacts of the ~~Babeock-Charlotte~~ [BRC](#) development.  
20 ~~Such~~ [The](#) permit ~~will be~~ [is](#) issued under the authority of an agency other  
21 than County and, therefore, ~~shall be~~ [is](#) subject to enforcement by the  
22 issuing agency. County will assist said agency, if requested, in monitoring  
23 Developer's compliance with the conditions of said permit. Developers'

1 successors-in-interest and assigns are hereby placed on notice of this  
2 permit ~~application~~ and its ~~potential~~ application to development which they  
3 may propose to undertake within ~~Babeock-Charlotte~~ BRC.

4 (16) ~~Developer has applied to the~~ The United States Army Corps of Engineers  
5 has issued Permit No. , ~~Application Number~~ SAJ-2006-6656 (IP-MJD) to  
6 Developer in accordance with its jurisdiction over such matters and the  
7 Property. ~~Upon issuance,~~ Developer will follow the authorizations and  
8 permit conditions, which ~~will be~~ is a separate and enforceable legal  
9 document in accordance with its terms. Compliance with this permit, as it  
10 may be amended from time to time, will address mitigation of certain  
11 impacts of the ~~Babeock-Charlotte~~ BRC development. ~~Such~~ The permit  
12 ~~will be~~ is issued under the authority of an agency other than County and,  
13 therefore, ~~shall be~~ is subject to enforcement by the issuing agency. County  
14 will assist said agency, if requested, in monitoring Developer's  
15 compliance with the conditions of said permit. Developers' successors-in-  
16 interest and assigns are hereby placed on notice of this permit ~~application~~  
17 and its ~~potential~~ application to development which they may propose to  
18 undertake within ~~Babeock-Charlotte~~ BRC.

19 (17) As part of any AIDA phase that will discharge to Owl Creek, Trout Creek,  
20 and /or Telegraph Creek, 100 year three-day storm event calculations will  
21 be provided for two items. The two items are: the setting of finished floor  
22 elevation and the determination that the peak volume stored in the pre-  
23 development condition is equal or exceeded by that stored in the post

1                    development condition. This information will be made available to the  
2                    general public.

3                    (18) The Developer shall reduce the introduction of fill material outside  
4                    approved development pods into the 100 year flood plain where practical.  
5                    Structures outside approved development pods, but built in the 100 year  
6                    flood plain, ~~will~~should be built as elevated structures and not as  
7                    monolithic slabs on fill soil.

8                    C.    Incremental Review.

9                    (1)    Subsection A and B above in this provision 4 (Stormwater Management)  
10                    constitute the “Stormwater Plan” for ~~Babeoek-Charlotte~~BRC.

11                    (2)    The Incremental review will address compliance of the Increment with the  
12                    Stormwater Plan and any changes to the adopted floodplain maps.

13                    (3)    The Incremental review will include an assessment of any pertinent  
14                    information developed pursuant to a condition of the Master DRI  
15                    development order which has been developed since the Master DRI  
16                    development order was issued in order to determine if that new  
17                    information shows that a change in the Stormwater Plan is needed in order  
18                    to provide the same level of protection, remediation, or mitigation that is  
19                    contemplated in the Master DRI Development order.

20                    **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
21

1 **5. TRANSPORTATION**

2 A. Representations and Commitments as Conditions. ~~– No relevant provisions~~ None.

3 B. Conditions for Development Approval.

4 (1) Master Traffic Study

5 (a) The Master Traffic Study is the analysis of the buildout of the  
6 Development Program and the horizon year traffic conditions in  
7 year 2030. It is a guide to the roadway network and improvements  
8 anticipated to be needed to support all area development including  
9 the ~~Babeock Ranch Community~~ BRC Development Program by the  
10 year 2030 and it is intended for use only with the ~~Babeock~~  
11 ~~Charlotte~~ BRC Development Program. As a long range “snapshot”  
12 of horizon year conditions, it is anticipated that the mobility  
13 network and area growth will change and be revised as the  
14 ~~Babeock Ranch Community~~ BRC develops. By way of  
15 background, the initial Master Traffic Study was prepared by the  
16 Developer (“Developer’s Initial Master Traffic Study”), which was  
17 adequate for the “snapshot” purpose of the Master Development  
18 Order, recognizing that additional validation adjustments would be  
19 needed for use in Incremental Development Orders. At the time of  
20 initial approval of the Master Development Order, the Florida  
21 Department of Transportation (“FDOT”) was working on a  
22 district-wide travel demand model, but it was not yet completed.  
23 On August 27, 2008, FDOT informed the Developer, ~~Charlotte~~

1 | ~~County~~County and Lee County that the FDOT district-wide travel  
2 | demand model (“FDOT D1 District-wide Model”) was available  
3 | for use for Babcock Ranch. FDOT, ~~Charlotte County~~County, Lee  
4 | County and the SWFRPC accepted the use of the FDOT D1  
5 | District-wide Model for Babcock Ranch, without sub-area or  
6 | corridor model refinements for Increment 1-Phase 1. Recognizing  
7 | that the FDOT D1 District-wide Model may require sub-area  
8 | and/or corridor model refinements to be made within the  
9 | transportation impact area of the ~~Babcock Ranch Community~~BRC  
10 | for Increment 1-Phase 2 and future increments, refinements, if any,  
11 | will be made consistent with the procedures outlined in Chapter 4  
12 | of the FDOT Project Traffic Forecasting Handbook.

- 13 | (b) The Charlotte County Babcock Ranch Overlay District (the  
14 | BROD), Policy 2.5.16.5, recognizes that the BROD is a “smart  
15 | growth” community and specifies that the “internal capture rate  
16 | (“ICR”)” for the ~~Babcock Ranch Community~~BRC shall be  
17 | maximized, with a targeted internal capture rate of between 50% -  
18 | 70%. The Developer’s Initial Master Traffic Study reflected the  
19 | mixed-use character of the Community and consequently  
20 | maximized the “internal capture” elements, resulting in a trip  
21 | capture rate for the buildout of the ~~Babcock Ranch~~  
22 | ~~Community~~BRC of 55% on a peak hour basis. The 2030 roadway  
23 | network and candidate roadway improvements resulting from the

1 Developer's Initial Master Traffic Study based on that trip capture  
2 rate for the Babcock component are set forth in Exhibit F attached  
3 hereto and made a part hereof by reference. Exhibit F also  
4 identifies, under 2030 conditions and the 55% ICR, those  
5 regionally and locally significant road segments that were  
6 projected to be significantly impacted by the ~~Babcock Ranch~~  
7 ~~Community~~BRC and for which a service deficiency is also  
8 projected ("Impacted Segments"). The Developer's Initial Master  
9 Traffic Study also identified the improvements which may need to  
10 be made by 2030 under the 55% ICR to the Impacted Segments to  
11 mitigate Babcock's traffic impacts in order to maintain the adopted  
12 level of service (LOS) standards.

- 13 (c) A supplemental traffic study was also prepared for the Master  
14 Development Order by the Developer at the request of review  
15 agencies to identify the potential 2030 roadway network and  
16 candidate roadway improvements resulting from the Master DRI  
17 Traffic Study based on the initial internal capture rate of 22%,  
18 ("Supplemental Master Study"). The roadway network and  
19 candidate roadway improvements resulting from the Supplemental  
20 Master Study based on that trip capture rate also are set forth in  
21 Exhibit F attached hereto and made a part hereof by reference.  
22 Exhibit F also identifies, under those 2030 conditions, the same  
23 information for the 22% ICR scenario as for the 55% ICR scenario,

1 including those regionally and locally significant road segments  
2 that are projected to be significantly impacted by the ~~Babeock~~  
3 ~~Ranch-Community~~BRC and for which a service deficiency is also  
4 projected (“Impacted Segments”) and the improvements which  
5 may need to be made by 2030 to the Impacted Segments under a  
6 22% ICR to mitigate Babcock’s traffic impacts in order to maintain  
7 the adopted level of service (LOS) standards. The road network  
8 presented in Exhibit F is a 2030 horizon year projection that will  
9 be updated periodically as set forth below in Condition 5.B.(2) to  
10 reflect changing conditions in the area. This 22% ICR is to be  
11 used for the First Increment, including Phase 1 and Phase 2.

12 (d) The significant impacts, roadway network, and roadway  
13 improvements identified in Exhibit F hereto are provided for  
14 comparison purposes between the two internal capture rate  
15 scenarios described above. As specified under Conditions  
16 5.B.(2)(a), (2)(b), (2)(c), and (2)(d) below, as data from the annual  
17 traffic monitoring program becomes available, as specified under  
18 Conditions 5.B.(3)(a) and 5.B.(3)(b) below, this data will be  
19 incorporated into the Master Traffic Study Updates as described in  
20 Condition 5.B.(2) below. Exhibit F will then be re-evaluated and  
21 revised as specified in Condition 5.B.(2) below.

22 (e) For purposes of the First Increment, the 22% ICR portions of  
23 Exhibit “F” will control the measurement of significant impact for

1 the Incremental DRI traffic studies. Future Increments will use a  
2 revised Exhibit “F” as re-evaluated either under Condition  
3 5.B.(2)(a) or B.(2)(b), as applicable.

4 (2) Master Traffic Study Updates

- 5 (a) (1) The first update of the Master Traffic Study will be  
6 undertaken and submitted to ~~Charlotte County~~County, FDOT,  
7 ~~DCA~~ Department of Economic Opportunity, Division of  
8 Community Development (“DEO”), Lee County and the SWFRPC  
9 and approved prior to the submittal of Increment 1-Phase 2, or any  
10 subsequent increment, whichever occurs sooner, but in no event  
11 later than December 31, 2011 (“Initial Master Traffic Study  
12 Update”). The Initial Master Traffic Study Update shall be  
13 approved through the NOPC process as a non-substantial  
14 deviation, in accordance with Section 5.B.(2)(d), with resulting  
15 amendments, if any, to the Master Development Order to be  
16 processed as a NOPC. The Initial Master Traffic Study Update  
17 shall utilize the FDOT D1 District-wide Model, which has been  
18 accepted by FDOT, ~~Florida Department of Community~~  
19 ~~Affairs~~DEO, ~~Charlotte County~~County, Lee County and the  
20 SWFRPC for use in the Master Traffic Study Update and  
21 subsequent AIDA traffic assessments. The Master Traffic Study  
22 Update will result in a Revised Exhibit F, based upon the ICR  
23 determined pursuant to paragraph 5.B.(2)(a)(2)a., which will be

1 used for Increment 2 and subsequent increments (the ICR for  
2 Increment 1-Phase 2 will be 22%). Coordination meetings as  
3 needed and a formal transportation methodology meeting will be  
4 held with ~~Charlotte County~~County, Lee County, ~~the~~SWFRPC,  
5 FDOT, and ~~the Department of Community Affairs-DEO~~ prior to  
6 the commencement of the Initial Master Traffic Study Update.  
7 The Initial Master Traffic Study Update shall consider the  
8 possibility of a new east-west transportation corridor between SR  
9 31 and I-75, and may consider related corridor studies and  
10 interchange justification reports, as determined appropriate in the  
11 transportation methodology meeting. The FDOT D1 District-  
12 wide Model may require sub-area and/or corridor model  
13 refinements to be made within the transportation impact area of the  
14 ~~Babeock Ranch Community~~BRC. Refinements, if any, will be  
15 made consistent with the procedures outlined in Chapter 4 of the  
16 FDOT Project Traffic Forecasting Handbook.

17 (2) a. Each update of the Master Traffic Study will  
18 include a reassessment of the internal capture and external trips  
19 consistent with paragraph 5.B.(2)(a)(1) above, Trip Generation, the  
20 ITE Trip Generation Handbook, and the FDOT Site Impact  
21 Handbook, the FDOT D1 District-wide Model, as it may be  
22 adjusted pursuant to professionally accepted techniques applicable  
23 to communities of the size, location, mix of uses, and design of

1 Babcock or other travel demand modeling techniques and data that  
2 reflect the size, location, mix of uses, and “smart growth” design of  
3 the project, and with consideration of the cumulative impacts of  
4 previously evaluated increments and monitoring data up to the  
5 point of commencement of that particular Master Traffic Study  
6 update.

7 b. Due to its size and mix of uses, the ~~Babeock Ranch~~  
8 ~~Community~~BRC will be divided into a number of traffic analysis  
9 zones (TAZs) and tracts, which are combinations of TAZs. The  
10 size, location and number of TAZs will be determined by the  
11 Developer. There shall be no minimum or maximum number of  
12 TAZs or tracts.

13 c. Adjustments to the FDOT D1 District-wide Model  
14 in accordance with 5.B.(2)(a)(2)(a) for estimating trip capture  
15 within a large scale community like the ~~Babeock Ranch~~  
16 ~~Community~~BRC, the community capture and external trips for the  
17 ~~Babeock Ranch Community~~BRC will be estimated using the  
18 following procedures.

19 (i) The total new trips generated by the ~~Babeock Ranch~~  
20 ~~Community~~BRC development as identified in the  
21 Master Traffic Study and based on accepted  
22 standard methods of calculation will be reduced as  
23 identified in the sections below.

- 1 (ii) There are standard mixed land uses (residential,  
2 office, retail) for the mixed use development  
3 concepts of the ITE Trip Generation Handbook  
4 “Mixed Use Development”. For those standard  
5 land uses, and using the tract as a single TAZ,  
6 calculate, using the methods of the ITE Trip  
7 Generation Handbook “Mixed Use Development”,  
8 the internal capture within the tract.
- 9 (iii) For each non-standard land use (those land uses not  
10 included in the ITE Trip Generation Handbook  
11 methodology) within each tract, create a separate  
12 TAZ for each non-standard land use. Using the  
13 FDOT D1 District-wide Model, applicable at that  
14 time, determine the trip capture for those non-  
15 standard land uses within the subject tract.
- 16 (iv) Using the FDOT D1 District-wide Model,  
17 applicable at that time, determine the trip capture  
18 between the individual tracts within the ~~Babeek~~  
19 ~~Ranch-Community~~BRC.
- 20 (v) Estimate the number of pass-by trips consistent with  
21 the then most recent editions of the ITE Trip  
22 Generation Handbook, and the FDOT Site Impact  
23 Handbook. Only those retail uses which are

1 adjacent to the primary public roadways will be  
2 eligible for external pass-by trips. Retail that is not  
3 adjacent, whether contained internally or  
4 substantially set back without direct access to the  
5 major public roadways will not be eligible for pass-  
6 by trips.

7 (vi) The remaining net new trips are external to the  
8 ~~Babeock Ranch Community~~ [BRC](#) and will be  
9 assigned to the regional roadway network by the  
10 FDOT D1 District-wide Model, applicable at that  
11 time.

12 (vii) In the alternative, Developer may use an alternative  
13 methodology for estimating internal capture rate if  
14 reviewed and approved by FDOT, ~~Charlotte~~  
15 ~~County~~ [County](#), Lee County, SWFRPC and  
16 Department of Community Affairs.

17 (b) (1) Due to the long term buildout of the Project (over 20 years)  
18 and potentially changing conditions in the study area, a periodic  
19 update of the Master Traffic Study is required and will use the  
20 most current, validated FDOT D1 District-wide Model in effect at  
21 the time of the commencement of the Master Traffic Study Update.  
22 After the Initial Master Traffic Study Update specified in  
23 Condition 5.B.(2)(a)(1), additional updates shall be conducted and

1 submitted no later than five (5) years after the effective date of the  
2 most recent previous update. The Developer may update the  
3 Master Traffic Study at any time during that five (5) year period.  
4 Each updated Master Traffic Study will be a complete update  
5 similar to the original Master Traffic Study and will result in a  
6 Revised Exhibit F. The Master Traffic Study Update shall  
7 consider the possibility of a new east-west transportation corridor  
8 between SR 31 and I-75, and may consider related corridor studies  
9 and interchange justification reports, as determined appropriate in  
10 the transportation methodology meeting. A transportation  
11 methodology meeting will be held with ~~Charlotte County~~County,  
12 Lee County, the SWFRPC, FDOT and ~~DCA~~DEO prior to the  
13 conduct of each Master Traffic Study Update.

14 (2) Each update of the Master Traffic Study will include a  
15 reassessment of the internal capture and external trips consistent  
16 with paragraph 5.B.(2)(a)(1) above.

17 (c) The First Increment has used the FDOT D1 District-wide Model  
18 for Increment 1-Phase 1, prior to an update of the Master Traffic  
19 Study. Such use has been accepted by FDOT, ~~Charlotte~~  
20 ~~County~~County, Lee County, ~~DCA~~DEO and SWFRPC for use in  
21 Increment 1-Phase 1 in accordance with the conditions of the  
22 Increment 1 Development Order approved by ~~Charlotte~~  
23 ~~County~~County on December 15, 2009. Subsequent Increments,

1 including Increment 1-Phase 2, will use the FDOT D1 District-  
2 wide Model or the most current, validated FDOT D1 District-wide  
3 Model in effect at the time.

4 (d) The methodology for Master Traffic Study Updates will be  
5 coordinated through the SWFRPC and include ~~Charlotte~~  
6 ~~County~~County, Lee County, FDOT and the ~~Department of~~  
7 ~~Community Affairs~~DEO. The Master Traffic Study Update is not  
8 considered a substantial deviation pursuant to Chapter 380.06 (19)  
9 and will be submitted for approval through the NOPC process.  
10 Any amendments to the Master Development Order resulting from  
11 a Master Traffic Study Update shall be processed as a NOPC. The  
12 Master Traffic Study Update process will consist of the following  
13 steps and timeframes:

14 (i) Initial informal coordination meeting to discuss and  
15 establish the appropriate methodology, between the  
16 Developer and SWFRPC, ~~Charlotte County~~County, Lee  
17 County, FDOT and ~~Department of Community~~  
18 ~~Affairs~~DEO.

19 (ii) Submittal of proposed methodology by the Developer to  
20 the SWFRPC not less than 14 days in advance of the  
21 formal methodology meeting for distribution to the State  
22 and Regional review agencies.

- 1 (iii) Formal methodology meeting between the Developer and
- 2 the State and Regional review agencies coordinated by the
- 3 SWFRPC.
- 4 (iv) SWFRPC, within 35 days of the conclusion of the formal
- 5 methodology meeting(s), will document the findings and
- 6 agreements made by the participants including a summary
- 7 of all assumptions agreed upon at the meeting.
- 8 (v) SWFRPC shall allow State and Regional review agencies
- 9 not less than 14 days to agree or disagree in writing with
- 10 the meeting summary.
- 11 (vi) If agreement cannot be reached with all the State and
- 12 Regional Review agencies, the SWFRPC will designate a
- 13 methodology in writing to be used by the Developer.
- 14 (vii) The Developer shall submit for approval the Master Traffic
- 15 Study Update and revised MDO Exhibit F to the SWFRPC
- 16 through the NOPC process, which shall not be considered a
- 17 substantial deviation, for distribution to the Regional
- 18 Review Agencies.
- 19 (viii) Public hearings will be conducted in accordance with the
- 20 procedures for processing NOPC's in ~~Charlotte~~
- 21 ~~County~~[County](#) in coordination with the SWFRPC.

22 (3) Biennial Monitoring Program

1 On a biennial basis, the Developer shall submit a DRI traffic monitoring  
2 report to the following entities: ~~Charlotte—County~~County, FDOT,  
3 ~~DCA~~DEO, Lee County, and the SWFRPC. The first monitoring report  
4 shall be submitted two (2) years after the recorded date of the approval of  
5 the first AIDA Development Order, unless no buildings have been  
6 physically occupied by a permanent user. Once a building in Babcock is  
7 occupied by a permanent user the biennial traffic monitoring requirement  
8 will commence. For the purposes of growth management the Biennial  
9 Monitoring will monitor the external trips generated by occupied uses in  
10 Babcock. The traffic monitoring program must include the following.

- 11 (a) 2-hour AM peak hour and 4-hour PM peak hour turning movement  
12 counts and 72-hour machine traffic counts at the ~~Babeock—Ranch~~  
13 ~~Community~~BRC's access points onto the external public road  
14 network external to the Property; the 72 hour traffic counts will be  
15 derived from the permanent traffic counters installed at Babcock's  
16 ingress/egress points as described in Condition 5.B.(7) below.
- 17 (b) A comparison of the field-measured Project external trips to the  
18 Project's external trips estimated in the AMDA and the  
19 Incremental traffic study.
- 20 (c) The level of service of all access points between the Project and  
21 the external road network.
- 22 (d) A summary of construction and development activities to date,  
23 using the categories of the Master Development Program.

- 1 (e) An estimate of the level of development expected to be added by
- 2 the Project for the forthcoming year.
- 3 (f) The status of the mobility improvements required by any prior
- 4 Incremental development program.
- 5 (g) The status of mobility improvements identified as committed in the
- 6 Master Traffic Study or Incremental traffic studies.
- 7 (h) An estimate of the construction traffic at the Project's access points
- 8 onto the public roadway network external to the Property.
- 9 (4) The Developer shall promote efficient pedestrian and bicycle movement
- 10 within and between the development's components and to adjacent
- 11 properties. The Developer shall link the uses and subdivisions, hamlets,
- 12 town centers and free standing facilities through a series of sidewalks, bike
- 13 paths, walking trails and internal roadways of various functional
- 14 classifications. The Developer shall promote transit service through the
- 15 inclusion of bus stops or other appropriate transit access points in site
- 16 design, consistent with the ~~Charlotte County~~County and Lee County
- 17 Comprehensive Plans and transit plans, if any. The location of bus stops
- 18 and transit access points shall be planned and integrated with the ~~Babeek~~
- 19 ~~Ranch Community~~BRC bicycle and pedestrian plan.
- 20 (5) Within twelve (12) months from the date of the Master DRI Development
- 21 Order, the Developer shall prepare and submit to ~~Charlotte County~~County
- 22 a transit feasibility study for possible transit service within the ~~Babeek~~
- 23 ~~Ranch Community~~BRC. The transit feasibility study shall evaluate the

1 feasibility of an internal tram or trolley system to link the villages,  
2 hamlets, and town center and other uses and to provide a linkage to the  
3 external road network. The feasibility study will evaluate, among other  
4 things, the timing of the implementation of the system, system routing,  
5 vehicle type, headways, funding sources, and capital and operating costs.  
6 If the study determines that such a system is economically viable,  
7 Developer will implement the system.

8 (6) The Developer shall prepare a transit feasibility study of providing public  
9 transportation to and from Babcock. The transit feasibility study will  
10 evaluate, among other things, the feasibility of providing public  
11 transportation, timing of the implementation of the system, system routing,  
12 vehicle type, headways, funding sources, and capital and operating costs.  
13 In an effort to insure sufficient population to support this type of transit  
14 service, the Developer shall coordinate the initiation of this study with  
15 transit representatives from ~~Charlotte County~~ County, Lee County, and the  
16 FDOT. The Babcock development will be credited with an appropriate  
17 reduction in net external trips for the implementation of such a public  
18 transit component. The cost of the study may be credited against  
19 Developer's proportionate share mitigation.

20 (7) The Developer shall install permanent traffic count stations at all ~~Babeock~~  
21 ~~Ranch Community~~ BRC ingress/egress points on the external road network  
22 and at the ~~Charlotte County~~ County lines on SR31. The equipment will be  
23 turned over to ~~Charlotte County~~ County and ~~Charlotte County~~ County will

1 own and maintain the permanent count station equipment. The cost of the  
2 permanent count station equipment will be credited against the DRI's  
3 traffic mitigation obligation. Data from the count stations shall be made  
4 available in a digital format on a periodic schedule agreed to by ~~Charlotte~~  
5 ~~County~~County and Developer and without any cost, to Developer.

- 6 (8) Developer shall provide sufficient queuing lanes and turn lanes along State  
7 Road 31 to manage construction traffic in a manner which does not cause  
8 substantial delays to other traffic on State Road 31. ~~Charlotte~~  
9 ~~County~~County and FDOT shall review and approve, the timing of said  
10 improvements (which are to be in place concurrent with construction  
11 traffic), the locations, dimensions, and configurations in accordance with  
12 ~~Charlotte County~~County and FDOT standards of said construction traffic  
13 queuing and turn lanes.

14 C. Incremental Review.

15 (1) Incremental Review Analyses.

16 Development within the ~~Babcock Ranch Community~~BRC, as identified in the  
17 AMDA, will undergo a traffic review through an incremental process with traffic  
18 studies prepared for each Increment. A transportation methodology meeting will  
19 be held with ~~Charlotte County~~County, Lee County, FDOT, ~~DCA~~DEO, and the  
20 SWFRPC prior to initiating this study. This will allow the study to address  
21 specific issues that may be related to any particular Increment. Each Incremental  
22 Traffic Study, other than the traffic studies for Increment 1, will establish the trip  
23 capture rate for that Increment consistent with Condition 5.B.(2) which will

1 determine the maximum number of PM peak hour trips external to the Property  
2 for that Incremental development program. Professionally accepted techniques  
3 and data, including FDOT's then current Site Impact Handbook (or its equivalent)  
4 and the then current Subdivision Traffic Study Guidelines for ~~Charlotte~~  
5 ~~County~~County may be considered in establishing the methodologies for the  
6 Incremental studies. If agreement cannot be reached with all the State and  
7 Regional Review agencies, the SWFRPC will designate a methodology in writing  
8 to be used by the Developer.

9  
10 As a part of this effort, a traffic study will be prepared in support of that  
11 Increment. The Project's trip capture rate, estimated number of external PM peak  
12 hour trips, traffic impacts, proportionate share of needed improvements,  
13 pipelining of the proportionate share, and mitigation will be established for each  
14 Increment. A traffic study will be prepared for each Incremental level of  
15 development. The traffic study in support of each Increment will estimate the  
16 trips external to the Property for that Incremental development program and will  
17 include the following.

- 18 (a) Road segment evaluation of those external road segments  
19 significantly impacted by the Incremental development program  
20 for the AMDA significant impact area per the 22% ICR portions of  
21 Exhibit "F" until such time as Exhibit "F" is amended.
- 22 (b) Intersection evaluations of those external intersections significantly  
23 impacted by the Incremental development program.

- 1 (c) Identification of roadway and intersection improvements needed to  
2 support that level of development and all area growth coincident  
3 with buildout of that Incremental development program at the  
4 ~~Babcock Ranch Community~~ [BRC](#) for the AMDA significant impact  
5 area per the 22% ICR portions of Exhibit “F” hereto until such  
6 time as Exhibit “F” hereto is amended.
- 7 (d) Identification of the Project’s proportionate share of those needed  
8 roadway and intersection improvements. Proportionate share  
9 mitigation shall be limited to insure that if Babcock meets the  
10 requirements of Section 163.3180(~~12~~), F.S., it shall not be  
11 responsible for the additional cost of reducing or eliminating  
12 backlogs. The project’s proportionate share shall be directed (i.e.  
13 “pipelined”) to one or more mobility improvements that benefit a  
14 regionally significant transportation facility. The funding of one or  
15 more required mobility improvements that will benefit a regionally  
16 significant transportation facility consistent with Section  
17 163.3180(12), F.S., satisfies concurrency requirements as  
18 mitigation of Babcock’s impact upon the overall transportation  
19 system even if there remains a failure of concurrency on other  
20 impacted facilities.
- 21 (e) Identification of the Project’s traffic mitigation conditions to  
22 address its proportionate share of needed mobility improvements  
23 and any pipelining of that proportionate share, but not including

1 mitigation for backlogged conditions. Mitigation for impacts to  
2 facilities on the State Strategic Intermodal System shall be made  
3 after consultation with and with the concurrence of FDOT. Traffic  
4 mitigation conditions would include, but not be limited to,  
5 commitments to construct or pay for certain mobility  
6 improvements, provision of right-of-way, provision of design plans  
7 in support of improvements, cash payments to ~~Charlotte~~  
8 ~~County~~County or applicable maintenance agency and/or  
9 combinations of the above, and a mitigation payment schedule.

10 (f) Each Incremental traffic study will include any previously  
11 evaluated Increment as Project traffic consistent with Sections  
12 380.06(21)(b) and 380.0651, F.S., and 9J-2.045, F.A.C. Mitigation  
13 provided by any previously evaluated Increment shall be credited  
14 to the overall impact of the Project.

15 (g) An accounting system will be established so that if the field  
16 measured external trips at the end of the particular Increment are  
17 less than previously estimated for that Increment, the Developer  
18 would be entitled to credits which can be used by the Developer,  
19 sold to other parties or carried over to the next Increment.  
20 Alternatively, if the actual traffic for that particular Increment is  
21 greater than previously estimated, then the Developer will be  
22 required to mitigate those additional traffic impacts as part of the  
23 then under review Increment.

1 (h) The development approved in each Increment will be vested for  
2 traffic concurrency purposes through the scheduled payment of its  
3 mitigation requirements (proportionate share) for mobility  
4 improvements. The payment schedule and the details of that  
5 payment schedule must be established in an enforceable agreement  
6 with ~~Charlotte County~~County or the applicable maintenance  
7 agency.

8 (i) As provided in the AMDA Agreement, an Incremental traffic study  
9 may consider relevant information from previously approved  
10 studies or Increments, but no Incremental review will result in a  
11 requirement to revise any element or requirement of a previously  
12 approved Increment other than the provision in item 5.C.(g) above.

13 (2) Planned Development, Site Plan and Subdivision Plan Approval Within  
14 An Increment.

15 Planned development, site plan, and subdivision plan approvals within an  
16 Increment will be evaluated for consistency with the Incremental traffic study as  
17 set forth below.

18 (a) Review the requested approval to verify that the development  
19 parameters of the requested approval, when combined with the  
20 parameters of any other requested approval already reviewed and  
21 approved within the Increment and reflective of any land use  
22 conversions, are consistent with the level of development  
23 evaluated during the Incremental traffic study.

- 1 (b) Review of the requested approval to verify that the projected  
2 external trips of the requested approval, when combined with the  
3 estimated external trips of any other requested approval already  
4 reviewed and approved within the Increment and reflective of any  
5 land use conversions, does not exceed the external trips evaluated  
6 during the Incremental traffic study.
- 7 (c) Review of the requested approval's access points onto the public  
8 roadway network external to the Property to determine if: 1) the  
9 proposed access points are consistent with the access established in  
10 the Master AMDA, AIDA, and/or public access management  
11 standards; 2) the access point intersection will operate at  
12 acceptable levels of service coincident with the buildout of the  
13 requested approval; 3) identify needed improvements, including  
14 signalization, at the access point intersections to maintain  
15 acceptable levels of service; and 4) identify the estimated turn lane  
16 storage lengths for the needed turn lanes at the access point  
17 intersections.
- 18 (3) The Developer may, at its sole discretion, determine the size, boundaries,  
19 land uses, timing, and termination of each Increment. The Developer may  
20 file one or more AIDA's for concurrent, overlapping, or sequential  
21 increments. Provided, however, the entire project as reflected in this  
22 Master DRI development order may not be submitted in only one  
23 increment, and any one filing of one or more AIDA's will not include

1                                   cumulatively among the filing more than fifty percent (50%) of the entire  
2                                   Master DRI Development Program.

3                                   (4)

4                                   (a)     The Developer’s proportionate share obligation, as established per  
5                                   each Increment, shall be directed or pipelined, pursuant to section  
6                                   163.3180(12), Florida Statutes, to one or more required mobility  
7                                   improvements which may or may not be a part of the AMDA  
8                                   roadway network, which benefit a regionally significant  
9                                   transportation facility and which can be funded by the Developer’s  
10                                  proportionate share. The funding of one or more required mobility  
11                                  improvements that will benefit a regionally significant  
12                                  transportation facility consistent with Section 163.3180(12). F.S.  
13                                  satisfies concurrency requirements as a mitigation of Babcock’s  
14                                  impact upon the overall transportation system even if there remains  
15                                  a failure of concurrency on other impacted facilities.

16                                  (b)     The Developer may also utilize proportionate fair-share mitigation,  
17                                  consistent with Section 163.3180(16), which may be directed  
18                                  toward one or more specific transportation improvements  
19                                  reasonably related to the mobility demands created by the  
20                                  development and such improvements may address one or more  
21                                  modes of travel. Proportionate fair-share mitigation shall be  
22                                  limited to ensure that a development meeting the requirements of  
23                                  Section 163.3180(16), Florida Statutes, mitigates its impact on the

1 transportation system but is not responsible for the additional cost  
2 of reducing or eliminating backlogs. The funding of any  
3 improvements that significantly benefit the impacted transportation  
4 system satisfies concurrency requirements as a mitigation of the  
5 development's impact upon the overall transportation system even  
6 if there remains a failure of concurrency on other impacted  
7 facilities.

8 (5) In addition to, or in the alternative to the pipelining described in  
9 provisions 5.C.(1)(d) and 5.C.(4)(a) above, the developer may also  
10 mitigate its traffic impacts pursuant to Rule 9J-2.045, F.A.C.

11 (6) Incremental Biennial Monitoring Controls.

12 (a) If the biennial traffic monitoring report for any two year period  
13 reveals that the Project's field measured external trips generated by  
14 occupied land uses is 80% or more of the maximum number of  
15 external PM peak hour trips for the completed Increment(s) and the  
16 approved, but uncompleted, Increments and the occupied land uses  
17 are less than 50% of the development program approved for  
18 approved, but uncompleted, Increment(s), the Developer shall,  
19 within 90 days of the date of the biennial traffic monitoring report,  
20 meet with ~~Charlotte~~-County Public Works to determine if the most  
21 recently approved Incremental traffic study must be updated. If an  
22 updated traffic study is required, then an updated list of  
23 significantly and adversely impacted road segments and

1 corresponding adjustments in the Increment's proportionate share  
2 which are needed to complete the most recently approved  
3 Increment will be identified in that updated study.

4 (b) If the biennial traffic monitoring report for any two year period  
5 reveals that the Project's field measured external trips generated by  
6 occupied land uses exceed the maximum number of external PM  
7 peak hour trips for the completed Increment(s) and the approved,  
8 but uncompleted, Increment(s), the most recently approved  
9 Incremental traffic study will be updated within 120 days of the  
10 date of the biennial traffic monitoring report. For that most  
11 recently approved Increment, this may result in an updated list of  
12 significantly and adversely impacted road segments and a  
13 corresponding adjustment in the Increment's proportionate share  
14 with the additional proportionate share being directed to one or  
15 more mobility improvements as set in Condition 5.C.(4).

16 (c) Alternatively, if the Project's field measured external trips exceed  
17 the maximum number of external PM peak hour trips for the  
18 completed Increment(s) and the approved, but uncompleted,  
19 Increment(s), the Developer may declare the most recently  
20 approved Increment to be complete in terms of external trips and  
21 development program and may submit a new AIDA and  
22 Incremental traffic study which may include land area not used in  
23 the Increment deemed complete.

- 1 (d) If the biennial traffic monitoring report reveals that the Project's  
2 field measured external trips generated by occupied land uses  
3 exceeds the maximum number of trips from the completed  
4 Incremental and the approved, but uncompleted, Incremental  
5 development program(s) by the thresholds identified in Section  
6 380.06(19), Florida Statutes, then the provisions regarding  
7 substantial deviations will take effect.
- 8 (e) If, at the buildout or completion of an Increment, the measured  
9 external trips are less than the maximum number of external trips  
10 established for the Increment, then the difference in the  
11 proportionate share represented by the difference in those external  
12 trips will be credited against the proportionate share projected to be  
13 produced by the next subsequent Increment(s).
- 14 (f) Every two years, the results of the traffic monitoring report will be  
15 compiled with the results of the previous reports. The data from  
16 these monitoring reports will be used with respect to the applicable  
17 components of the development program prepared for the next  
18 Increment, as well as the updates of the Master Traffic Study.
- 19 (g) Under Conditions 5.C.(6)(a), (b), and (d) above, development  
20 (including but not limited to: planned development, site plan, and  
21 sub-division approvals; building permits; construction; and  
22 certificates of occupancy) pursuant to Incremental approvals will

1 not be suspended while the traffic study updates and any  
2 adjustments required by those provisions are being finalized.

3 (7) Notice of Lee Road Agreement.

4 Developer and Lee County entered into the Babcock Ranch Community Road  
5 Planning Agreement Regarding The Charlotte County Babcock Ranch Overlay  
6 District Amendment on May 23, 2006 (“Lee Road Agreement”). The Lee Road  
7 Agreement relates to the mitigation of impacts from ~~Babeock-Charlotte~~BRC on  
8 Lee County roads. The Lee Road Agreement sets forth various obligations of the  
9 parties to the Lee Road Agreement, and is enforceable by its own terms and not  
10 pursuant to this Development Order. Developer’s successors-in-interest and  
11 assigns are hereby placed on notice of the Lee Road Agreement and its potential  
12 application to development which they may propose to undertake within ~~Babeock~~  
13 ~~Charlotte~~BRC. A copy of said Agreement shall be made available by Developer  
14 upon request of such successors-in-interest and assigns, and a copy shall be on file  
15 with the Clerk of the ~~Charlotte County~~County Commission.

16 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
17

1   **6.    VEGETATION, WILDLIFE, AND WETLANDS**

2       A.   Representations and Commitments as Conditions.

3           (1)   The exotic pest plant impacted areas, and native plant communities  
4                   (approximately 5000 acres) will be managed and incorporated into the  
5                   final preservation areas and consolidated north-south flow-ways and east-  
6                   west greenways.

7           (2)   The upland preserve/conservation areas and the wetland preserves will  
8                   have management that optimizes the value and function of these areas of  
9                   native habitat.

10          (3)   There will be an average 100-foot setback from the State Preserve and an  
11                   average 50-foot setback adjacent to wetlands.

12          (4)   Internal roadways will be used to inter-connect separate development pods  
13                   and will be constructed with wildlife crossings in areas where they cross  
14                   wildlife corridors. The designs, sizes, and locations of these crossings will  
15                   be coordinated with County and coordinated and approved by staff from  
16                   the Florida Fish and Wildlife Conservation Commission (FWC) and the  
17                   US Fish and Wildlife Service. Internal roadways may be constructed  
18                   across and through primary flow-ways, as long as the hydrological and  
19                   wildlife corridor functions are maintained through the crossings. The  
20                   number of such roadways, not including pedestrian boardwalks and bike,  
21                   electronic cart, hiking, and equestrian trails (paved or otherwise), shall be  
22                   the minimum necessary for safe and efficient public accessibility between  
23                   development pods.



- 1           (8)     Golf courses will be designed to comply with the goals of the Audubon  
2                     International Signature Program – Silver Level certification program, with  
3                     best management practices developed by the Florida Department of  
4                     Environmental Protection under Section 403.067, F.S. (2005), or with  
5                     other equivalent certification programs or equivalent best management  
6                     practices.
- 7           (9)     During the construction process, appropriate measures will be taken to  
8                     minimize impacts to preserved wetlands and to water quality. Wetland  
9                     and upland buffer areas to be preserved will be clearly marked in the field  
10                    to avoid damage of and intrusion into protected areas. Appropriate  
11                    construction Best Management Practices will be employed. Prior to  
12                    commencement of construction near preserved wetlands, including  
13                    proposed water control structures, erosion control devices will be installed  
14                    to control and reduce soil erosion, sediment transport and turbidity. Such  
15                    devices (e.g., silt fencing, temporary sediment traps, impoundment areas  
16                    to control excessive discharges, etc.) will remain in place throughout the  
17                    duration of construction in an area until construction zones and  
18                    surrounding areas are stabilized.
- 19          (10)    Erosion control methods/devices used during construction will generally  
20                    conform to applicable standards set forth in FDER’s “The Florida  
21                    Development Manual: A Guide to Sound Land and Water Management,”  
22                    Sections 6-301 through 6-500 of Chapter 6: “Storm Water and Erosion  
23                    Control Best Management Practices for Developing Areas; Guidelines for

1 Using Erosion and Sediment Control Practices,” (ES BMP 1.011.67.  
2 FDER, Tallahassee, FL 1988).

3 (11) Freshwater marsh creation areas will be over excavated and backfilled to  
4 final grade with organic soils. Tree, shrub, and prairie planting areas will  
5 have topsoil furloughed from the grading area or organic mulch added to  
6 achieve final grade.

7 (12) Two hydrologic improvement projects are proposed, one in Curry Canal  
8 and one on the west side of Telegraph Swamp and southeast of Hamlet II.  
9 At a minimum, each project will have new or modified water control  
10 structure(s).

11 (13) The Developer has prepared an environmental sustainability plan for the  
12 Property which calls for protecting environmentally sensitive wetlands and  
13 uplands areas, providing for mitigation of certain disturbed  
14 areas, enhancing preservation areas, preserving agricultural areas,  
15 establishing Greenways and public recreation and environmental  
16 education programs. As part of the Developer's implementation plan, the  
17 Developer will utilize conservation easements as set forth below. Areas in  
18 the Developer's plan identified for mitigation will be included in the ERP  
19 for placement under a conservation easement. Wetland Areas in the  
20 Developer's plan which are not impacted by the project will be protected  
21 by a conservation easement. Existing agricultural uses located within the  
22 project but which are outside of the development areas shown on Map H  
23 will be placed under a conservation easement which will allow for the

1                   continuanance of agricultural operations. The upland enhancement and  
2                   preservation areas identified in the Developer's plan will be placed under  
3                   conservation easements. Acreages referenced in the Developer's plan are  
4                   subject to change based on future permitting considerations. All required  
5                   easements will be granted to the SFWMD or other appropriate  
6                   governmental entity with a compliance monitoring staff. Easements not  
7                   required by a condition of an environmental permit may be granted to an  
8                   appropriate governmental entity or to a non-profit charitable entity that  
9                   exists for the purpose of holding land for conservation purposes with a  
10                  compliance monitoring staff. The recording of the conservation easements  
11                  will be phased concurrent with various AIDA's, construction, and plat  
12                  approvals.

13                  (14) (a) To the maximum extent reasonably practicable, above-ground and  
14                  underground utility lines (e.g., water, sewer, electric, gas,  
15                  telephone, cable, electronic, etc.) will be located within or adjacent  
16                  to roadway corridors on the Property. Where this is not  
17                  practicable, Developer shall consult with County and the pertinent  
18                  utility to establish a location which minimizes to the maximum  
19                  degree reasonably practicable impacts on upland enhancement and  
20                  preservation areas.

21                  (b) With respect to the location of major utility transmission lines on  
22                  the Property, Developer will consult with County and the pertinent

1 utility prior to such location in an effort to minimize impacts from  
2 such lines on environmental resources located on the Property.

3 ~~(e) Any easement granted by Developer to a utility will limit, to the~~  
4 ~~extent allowed by law, access to such easement for utility~~  
5 ~~purposes, District purposes, educational purposes, environmental~~  
6 ~~research, emergency services and public safety response purposes,~~  
7 ~~but will prohibit residential, commercial and public vehicular~~  
8 ~~access.~~

9 ~~(d)~~(c) Nothing herein shall preclude the location of utility or transmission  
10 lines within the north/south “Limited Transportation, Pedestrian  
11 and Utility Corridor” shown on Exhibit “B” hereto.

- 12 (15) ~~Babeock-Charlotte~~BRC greenways will be maintained in their natural state  
13 and kept free of refuse and debris. Category I exotic plant pests as defined  
14 by the Florida Exotic Pest Plant Council (EPPC) and as set forth in Exhibit  
15 “E” attached hereto and made a part hereof will be controlled to ninety-  
16 five percent (95%) occurrence (except for torpedo grass, *Panicum repens*,  
17 and cogon grass, *Imperata cylindrica*, that will be controlled to a ninety  
18 percent (90%) occurrence) in non-agricultural greenway areas. Category  
19 II pest plants, as set forth in Exhibit “E” hereto, and other plants reaching  
20 a problematic, invasive level will also be controlled to reasonable and  
21 achievable levels in non-agricultural greenway areas. Maintenance of  
22 these preserve areas will be conducted in perpetuity consistent with state,  
23 local, and federal government environmental permit approvals.

1 (16) The prescribed fire plan for ~~Babeoek Charlotte~~BRC will be a program that  
2 mimics the natural fire cycle for the various habitat types identified within  
3 the mitigation and preserve areas. Prescribed burning will be planned and  
4 carried out by a Certified Prescribed Burn Manager (as licensed by the  
5 Florida Division of Forestry) and experienced fire crew.

6 (17) The Developer shall dedicate a one (1) acre site and provide a 3,000  
7 square feet, pre-fabricated, shell building to County for mosquito control  
8 operations use pursuant to the schedule shown on Exhibit “D” hereto.

9 B. Other Conditions.

10 (1) Integrated Pest Management (“IPM”) will be utilized in ~~Babeoek~~  
11 ~~Charlotte~~BRC. IPM will involve the monitoring of sites for pest related  
12 problems, determining when a problem needs attention and taking  
13 appropriate action with the least amount of environmental impact. IPM  
14 will maximize the use of biological controls (i.e., bat houses, etc.), organic  
15 pest control methods, insecticidal soaps, and fish oils beneficial to  
16 lowering the environmental impact of pest control. Property and  
17 homeowner education will also be an IPM component within the  
18 Community.

19 (2) All USFWS and FWC threatened and endangered species management  
20 plans (“T&E Plans”) for the documented listed species including Florida  
21 panther (*Puma concolor coryi*) (E), wood stork (*Mycteria americana*) (E),  
22 beautiful pawpaw (*Deeringothamnus pulchellus*) (E), Florida sandhill  
23 crane (*Gruscanadenis pratensis*) (T), Eastern indigo snake (*Drymarchon*

1                    *corais couperi*) (T), little blue heron (*Egretta caerulea*) (SSC), snowy  
2 egret (*Egretta thula*) (SSC), tricolored heron (*Egretta tricolor*) (SSC),  
3 white ibis (*Eudocimus albus*) (SSC), gopher tortoise (*Gopherus*  
4 *polyphemus*) (T), American alligator (*Aligator mississippiensis*) (SSC),  
5 Audubon's crested caracara (*Polyborus plancus audubonii*) (T), roseate  
6 spoonbill (*Platalea ajaja*) (SSC), Sherman's fox squirrel (*Sciurus niger*  
7 *shermani*) (SSC) and Florida burrowing owl (*Athene cunicularia*  
8 *floridana*) (SSC) approved at the time of issuance of this Development  
9 Order are incorporated by reference herein and made a part hereof. Any  
10 additional species which are listed after the issuance of this Development  
11 Order and which are documented in an AIDA shall have a T&E Plan  
12 developed and approved by USFWS and FWC and said plan shall be  
13 incorporated by reference as a condition of the particular incremental  
14 development order.

- 15            (3)    The SFWMD issued Permit Number 08-00119-P on July 6, 2006, which  
16 includes certain authorizations and permit conditions, in accordance with  
17 its jurisdiction over such matters and the Property. Developer has  
18 committed to follow this permit and its conditions, which is a separate and  
19 enforceable legal document in accordance with its terms. Compliance  
20 with this permit, as it may be amended from time to time, addresses  
21 mitigation of certain impacts of the ~~Babeock-Charlotte~~[BRC](#) development.  
22 Such permit is issued under the authority of an agency other than County  
23 and, therefore, shall be subject to enforcement by the issuing agency.

1 County will assist said agency, if requested, in monitoring Developer's  
2 compliance with the conditions of said permit. Developers' successors-in-  
3 interest and assigns are hereby placed on notice of this permit and its  
4 potential application to development which they may propose to undertake  
5 within ~~Babeock-Charlotte~~BRC.

6 (4) The United States Army Corps of Engineers issued Permit Number SAJ-  
7 1992-264(NW-TWM) on May 22, 2006, which includes certain  
8 authorizations and permit conditions, in accordance with its jurisdiction  
9 over such matters and the Property. Developer has committed to follow  
10 this permit and its conditions, which is a separate and enforceable legal  
11 document in accordance with its terms. Compliance with this permit, as it  
12 may be amended from time to time, addresses mitigation of certain  
13 impacts of the ~~Babeock-Charlotte~~BRC development. ~~Such-The~~ permit is  
14 issued under the authority of an agency other than County and, therefore,  
15 ~~shall be~~is subject to enforcement by the issuing agency. County will assist  
16 said agency, if requested, in monitoring Developer's compliance with the  
17 conditions of said permit. Developers' successors-in-interest and assigns  
18 are hereby placed on notice of this permit and its ~~potential~~-application to  
19 development which they may propose to undertake within ~~Babeock~~  
20 ~~Charlotte~~BRC.

21 (5) ~~Developer has applied to the~~The United States Army Corps of Engineers, ~~5~~  
22 ~~Application~~issued Permit No. SAJ-2006-6656 (IP-MJD) which includes  
23 certain authorizations and permit conditions, in accordance with its

1 jurisdiction over such matters and the Property. ~~Upon issuance,~~ Developer  
2 ~~will has committed to~~ follow ~~the authorizations and permit~~this permit and  
3 its conditions, which ~~will be is~~ a separate and enforceable legal document  
4 in accordance with its terms. Compliance with this permit, as it may be  
5 amended from time to time, ~~will address~~addresses mitigation of certain  
6 impacts of the ~~Babeock-Charlotte~~BRC development. ~~Such-The~~ permit  
7 ~~will be is~~ issued under the authority of an agency other than County and,  
8 therefore, ~~shall be is~~ subject to enforcement by the issuing agency. County  
9 will assist said agency, if requested, in monitoring Developer's  
10 compliance with the conditions of said permit. Developers' successors-in-  
11 interest and assigns are hereby placed on notice of this permit ~~application~~  
12 and its ~~potential~~ application to development which they may propose to  
13 undertake within ~~Babeock-Charlotte~~BRC.

- 14 (6) ~~Developer has applied to the~~The SFWMD issued Permit No. 08-00004-S-  
15 05 (Application No. 070330-5) to Developer for a conceptual ERP;  
16 ~~Application No. 070330-5)~~ in accordance with its jurisdiction over such  
17 matters and the Property. ~~Upon issuance,~~ Developer will follow the  
18 authorizations and permit conditions, which ~~will be is~~ a separate and  
19 enforceable legal document in accordance with its terms. Compliance  
20 with this permit, as it may be amended from time to time, ~~will address~~  
21 addresses mitigation of certain impacts of the ~~Babeock-Charlotte~~BRC  
22 development. ~~Such-The~~ permit ~~will be is~~ issued under the authority of an  
23 agency other than County and, therefore, ~~shall be is~~ subject to enforcement

1 by the issuing agency. County will assist said agency, if requested, in  
2 monitoring Developer's compliance with the conditions of said permit.  
3 Developers' successors-in-interest and assigns are hereby placed on notice  
4 of this permit ~~application~~ and its ~~potential~~ application to development  
5 which they may propose to undertake within ~~Babcock-Charlotte~~[BRC](#).

6 C. Incremental Review.

7 (1) The threatened and endangered species management plan ("T&E Plan") is  
8 that plan for threatened and endangered species provided for in the ERP  
9 and United States Army Corps of Engineers Permit ("ACOEP") for  
10 Babcock Charlotte.

11 (2) The incremental review will address compliance of the increment with the  
12 T&E Plan. It will also address the detailed plan to protect any wetlands in  
13 the increment or to mitigate for proposed impacts on such wetlands.  
14 Upland habitats of threatened and endangered species (not including  
15 species addressed in the Biological Opinion of the U.S. Fish and Wildlife  
16 Service for Babcock Charlotte) which are not addressed by the T&E Plan  
17 shall also be addressed in the AIDA to maintain such habitats to the extent  
18 practicable with the development planned for those areas, or to relocate  
19 affected listed species to other appropriate habitat.

20 (3) The incremental review will include an assessment of any pertinent  
21 information developed pursuant to a condition of the Master DRI  
22 development order which has been developed since the Master DRI  
23 development order was issued in order to determine if that new

1 information shows that a change in the T&E Plan is needed in order to  
2 provide the same level of protection, remediation, or mitigation that is  
3 contemplated in the Master DRI development order.

4 (4) Each AIDA shall identify the number of acres to be contained in the  
5 Increment with respect to each of the following Greenway categories and  
6 the percentage of the total of each and shall include a companion map:

7 (a) Greenway acreage not under conservation easements

8 (i) agricultural lands

9 (ii) non-agricultural lands

10 (b) Greenway acreage under conservation easements

11 (i) wetland conservation

12 (ii) wetland enhancement

13 (iii) upland conservation

14 (iv) agriculture

15 (5) Each AIDA shall identify any conservation easements over wetlands and  
16 uplands which have been delivered.

17 (6) Each AIDA shall include a copy of any wildlife survey which has been  
18 conducted pursuant to an ERP or ACOEP since the last AIDA was filed.

19 (7) Each AIDA shall provide an updated Greenway Map.

20 (8) Each AIDA including roadway within a wildlife corridor will detail the  
21 roadway design features to be employed with regard to surface material,  
22 lighting, signage, access, and speed limits. The existing unpaved  
23 North/South road corridor located along the east Property line may serve

1 as a transportation, pedestrian, and utility (e.g. wells, lift stations,  
2 transformers, pump stations, associated lines and infrastructure for water,  
3 wastewater, gas, electric, cable, electronic, etc.) corridor consisting of not  
4 more than 120 feet in width with a maximum speed limit of 20mph. The  
5 existing North/South road shall not be modified beyond its current existing  
6 maximum width, nor paved, unless such modification has been considered  
7 in an AIDA review and approved in an Incremental development order, or  
8 has been reviewed and approved pursuant to a Notification of Proposed  
9 Change (“NOPC”) to a development order, ~~and if necessary, through an~~  
10 ~~amendment to the Charlotte County Comprehensive Plan which is found~~  
11 ~~to be in compliance through a Notice of Intent issued by the DCA.~~

12 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
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1    **7.    WASTEWATER MANAGEMENT AND WATER SUPPLY**

2    A.    Representations and Commitments as Conditions

3           (1)    Low Flow Fixtures: Low volume plumbing fixtures will be installed in all  
4                   new homes and businesses. The plumbing fixtures will comply with the  
5                   following maximum flow volumes at 80 psi:

6                               Toilets: 1.6 gallons per flush

7                               Shower heads: 2.5 gallons per minute

8                               Faucets: 2.0 gallons per minute

9           (2)    Customer billing by Town and Country Utilities Company will be based  
10                   on the use of water conservation-based rate structures.

11          (3)    Leak Detection: Town and Country Utilities Company will implement  
12                   leak detection programs in the event water losses exceed 10 percent. Site  
13                   tours and routine maintenance personnel trips along water supply and  
14                   distribution lines will also be conducted. On a monthly basis, metered  
15                   usage will be compared to the master potable supply meter reading.

16          (4)    Town and Country Utilities Company will distribute literature to  
17                   households describing water conservation practices.

18          (5)    Drought-Tolerant Landscaping: The use of native landscaping and the  
19                   Florida Yards and Neighborhoods Program principles will be incorporated  
20                   throughout the project site.

21          (6)    Reuse Water: Irrigation water will utilize reclaimed water produced by  
22                   the water reclamation facility. During times when irrigation demand  
23                   exceeds reclaimed water supply, irrigation water will be derived from the

1 on-site lake system. The lake system will be replenished with ground  
2 water. ~~derived from Floridan aquifer wells.~~

3 (7) Leak Detection Program: Reports of water leaks will be directed to  
4 personnel during business hours. Site tours and routine maintenance  
5 personnel trips along water supply and distribution lines will also be  
6 conducted. On a monthly basis, customer metered usage will be compared  
7 to the master meter reading.

8 (8) Irrigation System Design: Rain sensors and/or soil moisture sensors are  
9 required for irrigation systems within the project site in order to preclude  
10 irrigation during rainfall events. The project will install low flow  
11 irrigation systems for common areas where reasonably practicable.

12 (9) Fertilization Program: Written fertilization guidelines will be developed  
13 that establish standards for all common area fertilization and guidelines for  
14 individual property owners. The guidelines will comply with SWFRPC  
15 Resolution 2007-1 to the extent adopted by County and as it may be  
16 modified by County from time to time, except that reuse irrigation water  
17 may be applied within 25 feet of a wetland or water body. The program  
18 will be based on the results of soil samples, water sources, drainage  
19 patterns, and the landscape planned. This program will be designed to  
20 provide sufficient nutrition to sustain density and vigor for the landscape  
21 plantings intended for the Community that will enhance their resistance to  
22 disease, weeds, and insects. Education of residents and landscape  
23 maintenance contractors will be included in the program.

1           The program standards will include an annual schedule for applications of  
2           controlled release and slow release fertilizers. The program will also  
3           identify appropriate buffer requirements for all areas on the site with  
4           respect to wetlands and all natural or created bodies of water. The above  
5           fertilization program does not eliminate the requirement of compliance  
6           with any County fertilizer ordinance.

7           (10) Various types of on-site wastewater treatment systems may be used  
8           permanently at the plant nursery, the North Babcock Area, restroom  
9           facilities in the project's trail system, and the mining office. Pursuant to  
10          F.S. 381.0065(4), as may be amended, an operating permit must be  
11          obtained prior to the use of any aerobic treatment unit or if the  
12          establishment generates commercial waste. Buildings or establishments  
13          that use an aerobic treatment unit or generate commercial waste will be  
14          subject to annual inspections by the State Department of Health to assure  
15          compliance with the terms of the operating permit. Any currently  
16          permitted uses of such systems may continue pursuant to existing,  
17          modified, and renewed permits.

18          (11) On-site wastewater treatment systems may be utilized at selected locations  
19          such as construction trailers, sales centers, and other non-residential  
20          facilities where centralized sewer is not currently available. Each of these  
21          non-permanent systems must be licensed as in paragraph (10) above and  
22          may continue to be used for five (5) years from the date of installation of  
23          each system and thereafter must be abandoned in accordance with state

1 and County regulations. Notwithstanding the foregoing, models, sales  
2 centers and associated construction trailers may be extended on an annual  
3 basis as needed and such consent by County shall not be unreasonably  
4 withheld.

5 (12) Bio-solids may be converted into a Class AA residual that may be used as  
6 a slow release fertilizer on the site, provided this use meets applicable  
7 permitting conditions for the site.

8 B. Other Conditions.

9 (1) The proposed water treatment and distribution and wastewater collection  
10 and treatment systems will be designed consistent with current County  
11 standards.

12 (2) All potable water facilities, including any possible on-site potable water  
13 treatment plants, will be properly sized to supply average and peak day  
14 domestic demand, in addition to fire flow demand, at a flow rate approved  
15 by the County Fire Department.

16 (3) The lowest quality of water available and acceptable should be utilized for  
17 all non-potable water uses.

18 (4) Irrigation systems for new construction will comply with County's  
19 irrigation and landscaping ordinance, as may be amended from time to  
20 time.

21 (5) Town and Country Utilities Company or its successor or assigns will  
22 provide water, wastewater, and reclaimed water to ~~Babeock~~  
23 ~~Charlotte~~[BRC](#).

1 (6) SFWMD issued Permit Number 08-00122 W, in October 2007, which  
2 includes certain authorizations and permit conditions, in accordance with  
3 its jurisdiction over such matters and the Property. Developer has  
4 committed to follow this permit and its conditions, which is a separate and  
5 enforceable legal document in accordance with its terms. Compliance  
6 with this permit, as it may be amended from time to time, addresses  
7 mitigation of certain impacts of the ~~Babeock-Charlotte~~BRC development.  
8 Such permit is issued under the authority of an agency other than County  
9 and, therefore, shall be subject to enforcement by the issuing agency.  
10 County will assist said agency, if requested, in monitoring Developer's  
11 compliance with the conditions of said permit. Developers' successors-in-  
12 interest and assigns are hereby placed on notice of this permit and its  
13 potential application to development which they may propose to undertake  
14 within ~~Babeock-Charlotte~~BRC.

15 (7) Developer may apply for a permit(s) from the SFWMD for non-potable  
16 (landscape irrigation) withdrawals, in accordance with its jurisdiction over  
17 such matters and the Property. Upon issuance, Developer will follow the  
18 authorizations and permit conditions, which will be a separate and  
19 enforceable legal document in accordance with its terms. Compliance with  
20 this permit, as it may be amended from time to time, will address  
21 mitigation of certain impacts of ~~Babeock-Charlotte~~BRC development.  
22 Such permit will be issued under the authority of an agency other than  
23 County and, therefore, shall be subject to enforcement by the issuing

1 agency. County will assist said agency, if requested, in monitoring  
2 Developer's compliance with the conditions of said permit. Developers'  
3 successors-in-interest and assigns are hereby placed on notice of this  
4 permit application and its potential application to development which they  
5 may propose to undertake within ~~Babcock-Charlotte~~BRC.

6 C. Incremental Review.

- 7 (1) The AIDA which includes the North Babcock Area shall identify the  
8 water and wastewater treatment option(s) which will be employed in the  
9 North Babcock Area.
- 10 (2) Each AIDA shall include an updated Primary Utility Corridor map.
- 11 (3) Each AIDA shall identify the source of water for the Increment and the  
12 service provider.
- 13 (4) Each AIDA shall identify the service provider and the type(s) of  
14 wastewater treatment system(s) to be used in the Increment and their  
15 duration(s) of use.
- 16 (5) A centralized wastewater treatment system, in the form of package plants,  
17 shall be limited to 1.5 MGD (not including wastewater treatment  
18 options[s] which will be employed in the North Babcock Area).
- 19 (6) Package plants shall be bonded to ensure that planned conversion to a  
20 permanent centralized wastewater treatment system will be funded. Prior  
21 to approval of the applicable Incremental development order, County and  
22 Developer shall devise a methodology to determine bonding requirements  
23 to maintain and operate the package plants in the event of abandonment,

1                   which shall include a bond amount based upon the differential between the  
2                   anticipated revenue generated from the then current County utility rates  
3                   and the anticipated cost to operate and maintain said package plants for  
4                   fifteen (15) years from the date of construction. Such bond shall be  
5                   released upon the construction of the permanent centralized wastewater  
6                   system discussed below.

7                   (7) During the appropriate Increment, Developer shall submit plans for the  
8                   permanent centralized water and/or wastewater treatment plants or  
9                   portions thereof (not including the package plants provided above) to  
10                  County. County shall have thirty (30) days to review said plans for  
11                  compliance with County standards and to provide comment on the plans  
12                  compliance with County standards to Developer. Developer shall have  
13                  thirty (30) days to review and respond to County’s comments. County  
14                  shall then have thirty (30) days to review Developer’s comments and to  
15                  provide Developer with any additional comments regarding the plans  
16                  compliance with County standards.

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1 **8. HISTORICAL AND ARCHEOLOGICAL SITES**

2 A. Representations and Commitments as Conditions - No relevant provisions.

3 B. Other Conditions.

4 (1) A Cultural Resources Survey was prepared and approved by the Florida  
5 Department of State, Division of Historical Resources (“DHR”). No  
6 cultural resources eligible for listing on the National Register of Historic  
7 Places were identified within ~~Babcock-Charlotte~~the BRC, and the  
8 development is unlikely to affect historic properties. If any  
9 archaeological/historical ~~sites~~resources are discovered during the  
10 development activities, all work that might cause damage to such ~~sites~~  
11 resources shall cease immediately, and the Developer shall contact the  
12 DHR, SWFRPC, and County so that a state-certified archaeologist can  
13 determine the significance of the findings and recommend appropriate  
14 preservation and mitigation actions, as necessary.

15 (2) When County establishes a local register of historical sites, any sites in  
16 ~~Babcock-Charlotte~~BRC which qualify for listing on the local register will  
17 be listed. Any protection of such ~~sites~~resources will be subject to  
18 agreement between Developer and County.

19 (3) By the end of the second DRI Increment, Developer will establish a  
20 permanent display of the history of the Babcock Ranch, including but not  
21 limited to the railroad and telegraph facilities. ~~This display satisfies Policy~~  
22 ~~2.18.17 of the BROD component of the County’s Comprehensive Plan.~~

23 C. Incremental Review. ~~None per AMDA Agreement.~~

24

1 **9. EDUCATION**

2 A. Representations and Commitments as Conditions.

3 The Developer shall dedicate five school sites on the Property: three elementary  
4 schools (20 acres each), one middle school (30 acres), and one high school (50  
5 acres), and an educational service center (25 acres). Site acreages are net  
6 developable acres exclusive of jurisdictional wetlands and listed species habitat  
7 areas. These sites will be delivered on the schedule set forth in Exhibit “D”,  
8 attached hereto, as that schedule may be revised by agreement of Developer and  
9 the Charlotte County School Board. ~~Said agreement shall be executed prior to the~~  
10 ~~issuance of the development order for the first Increment (“School Agreement”).~~

11 B. Other Conditions. Public facilities such as parks, libraries, and community  
12 centers shall be co-located with schools to the extent reasonably practicable.  
13 Elementary schools shall be encouraged as focal points for neighborhoods.

14 C. Incremental Review. ~~Confirmation that the School Agreement required by (A)~~  
15 ~~above has been executed.~~Developer shall provide anticipated student generation  
16 numbers as part of an AIDA using student generation rates contained in the  
17 Student Impact Analysis form.

18 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
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1   **10.   POLICE AND FIRE**

2       A.   Representations and Commitments as Conditions.

3           (1)   District shall construct the shells of the law enforcement and fire/rescue  
4               buildings. The term “shell” means site preparation, foundations, laying of  
5               all utilities, exterior building structural components (including all exterior  
6               windows and doors), interior unfinished load-bearing walls and floors,  
7               stairs, elevators, and general building MEPF (mechanical, electrical,  
8               plumbing, and fire) systems, but not including MEPF systems specific to a  
9               floor plan layout. The building shells may be constructed in phases. The  
10              building shells shall be completed by District and turned over to County  
11              on the schedule set forth in Exhibit “D” attached hereto. Until the  
12              turnover to County, District shall be responsible for maintenance of the  
13              building shells and the associated building landscaping and any costs of  
14              operations elected by District to be incurred prior to said turnover(s). If  
15              the District elects to operate any such buildings prior to turnover to  
16              County, County will consider an operational contract with District. The  
17              Developer or District shall be reimbursed from the impact fees, but only  
18              up to the amount of the impact fees collected from the Development (not  
19              including any interest earned by County), for the design and construction  
20              costs of those buildings and the costs of all associated infrastructure; i.e.,  
21              water, sewer, paving, drainage, landscaping, lighting, signage, etc.  
22              (collectively the “Costs”), but not for the sites. District shall be  
23              reimbursed by County from funds other than impact fees collected from

1 the Development for the Costs of any portion of a building requested by  
2 County which is in excess of that required by County standards to satisfy  
3 the demand for the building created by the Development Program.

- 4 (2) Site acreages are net developable acres exclusive of jurisdictional  
5 wetlands and listed species habitat areas. The sites shall be conveyed with  
6 exotic pest plants removed, infrastructure provided, and on a schedule set  
7 forth in Exhibit "D" attached hereto.

8 B. Other Conditions.

- 9 (1) The fire flows required for ~~Babeok~~ the BRC will be provided ~~through~~  
10 ~~the potable water distribution system~~. Adequate system storage and  
11 pumping capacity will be installed to provide the required flows.  
12 Distribution system pipes will be sized to deliver the fire flows to the  
13 buildings to meet the requirements of the National Fire Protection  
14 Association.

- 15 (2) As the development of the project progresses, the Developer will  
16 coordinate with the Sheriff's Office prior to or during site plan review  
17 regarding security measures and features that will likely deter criminal  
18 activity in ~~Babeok~~ the BRC.

- 19 (3) Four sites totaling 10.25 acres will be dedicated for police and/or fire  
20 rescue operations and for a communications tower. Site acreages are net  
21 developable acres exclusive of jurisdictional wetlands and listed species  
22 habitat areas. The Sheriff's facility will be co-located within a central  
23 fire/rescue building on a 5.75 acre site along with the fire and police

1                   communications tower on that site. Any additional acres requested by  
2                   County for such operations will be subject to payment by County pursuant  
3                   to a purchase contract negotiated between Developer and County.

4                   (4) The District shall place an interim fully operational double-wide trailer at  
5                   least 24 feet in width and 60 feet in overall length as the first Sheriff's  
6                   Sub-Station next to the existing fire station located on SR 31 which will  
7                   utilize the utilities serving the existing fire station. ~~Said trailer shall be~~  
8                   ~~made available to the Sheriff by the issuance of the first land development~~  
9                   ~~permit.~~

10                  (5) An EMS vehicle will be provided by Developer pursuant to the schedule  
11                  in Exhibit "D" hereto. The housing of that vehicle will be the  
12                  responsibility of County.

13                  (6) The public purpose buildings and sites shall be subject to the land  
14                  development regulations and architectural guidelines established for the  
15                  Property.

16                  (7) All law enforcement, fire, and EMS impact fees collected from the  
17                  Development (not including any interest earned by County) shall be  
18                  provided to District in the form of reimbursements.

19                  ~~(8) Appropriate CPTED strategies shall be used when designing sites,~~  
20                  ~~buildings, streets, signs, landscaping and parking, and County may submit~~  
21                  ~~such designs to the Sheriff's Office for comment to and consideration by~~  
22                  ~~the County's Development Review Committee.~~

1 | ~~(9)~~(8) Babcock is intended to be a “Firewise” community and will employ  
2 | “Firewise” principles where appropriate. The County’s Office of  
3 | Emergency Management will cooperate with and assist the District in this  
4 | endeavor.

5 | C. Incremental Review.

6 | (1) Each AIDA shall include an updated [Exhibit “D”](#) ~~schedule of site~~  
7 | ~~preparation, building shell construction and turnover to County, and~~  
8 | ~~commencement of operations by County in said buildings.~~

9 | ~~(2) Each Incremental development order shall identify particular CPTED~~  
10 | ~~goals and objectives which are to be addressed in the review by County of~~  
11 | ~~site plans in that Increment.~~

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1 **11. SOLID/HAZARDOUS/MEDICAL WASTE**

2 A. Representations and Commitments as Conditions. – ~~No relevant provisions~~ None.

3 B. Other Conditions.

4 (1) The project shall be bound by all applicable recycling requirements in  
5 effect in the County at the time of the development, and all solid waste  
6 shall be disposed of by a waste hauler licensed by the State of Florida.

7 (2) Any buildings where hazardous materials, or waste, is to be used,  
8 displayed, handled, generated or stored shall be constructed with  
9 impervious floors with adequate floor drains leading to separate  
10 impervious holding facilities that are adequate to contain and safely  
11 facilitate cleanups of any spill, leakage, or contaminated water.

12 (3) Discharge of hazardous waste effluent into the sewage system shall be  
13 prohibited unless approved by permit issued by FDEP. There shall be no  
14 discharge of hazardous waste or of medical wastes from medical facilities  
15 into septic tanks.

16 (4) Any business within the ~~development boundary~~ BRC that generates  
17 hazardous waste will be responsible for the temporary storage, siting and  
18 proper disposal of the hazardous waste generated by such business.  
19 However, there will be no siting of hazardous waste storage facilities  
20 contrary to the ~~county~~ County zoning regulations. There shall be no  
21 disposal of hazardous waste ~~on the Property~~ within the BRC.



1 C. Incremental Review.

2 (1) Each AIDA will indicate whether or not the proposed Increment will be  
3 part of the County's Sanitation District, and if not, what other option will  
4 be used. Each AIDA will include a letter from the service provider that  
5 collection will be provided and a letter of availability regarding landfill  
6 capacity for the proposed Increment.

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1 **12. AIR**

2 A. Representations and Commitments as Conditions.

3 Dust prevention on development sites will employ wet or other suppression  
4 options consistent with applicable NPDES requirements. Unpaved roads will be  
5 watered as needed. Paving of roads will be performed as early in the construction  
6 schedule as is reasonably possible.

7 B. Other Conditions.

8 | ~~Babeock-Charlotte~~BRC shall comply with any applicable FDEP regulations  
9 regarding air quality.

10 | C. Incremental Review. – None ~~per AMDA Agreement.~~

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1 **13. HURRICANE PREPAREDNESS**

2 A. Representations and Commitments as Conditions.

3 ~~Pursuant to the Charlotte Development Agreement, the~~ The District will build the  
4 shells of community center civic buildings and certain portions of public school  
5 buildings on the Property to hurricane building standards per American Red Cross  
6 publication #4496, and said buildings will be equipped with emergency  
7 generators.

8 B. Other Conditions.

9 (1) District shall develop a hurricane preparation and shelter information  
10 program for the residents of the Property which will include annual  
11 awareness communications to residents. The appropriate County  
12 departments dealing with emergency preparedness will cooperate with and  
13 assist the District in the development of this program. ~~The residential~~  
14 ~~units shall be built to the then current building standards which provide~~  
15 ~~substantially more protection against hurricane damage than in past years.~~  
16 ~~District shall encourage residents not to leave their residences during~~  
17 ~~hurricanes unless an evacuation order has been issued.~~—A copy of the  
18 information program shall be provided to County prior to the first  
19 residential closing.

20 (2) To encourage sheltering in place, hurricane window protection ~~and safe~~  
21 ~~rooms~~ shall be offered as an option to the initial purchasers of single-  
22 family residences in ~~Babeock Charlotte~~BRC. ~~The benefits of these~~  
23 ~~options shall be provided in writing to those initial purchasers.~~

1 | C. Incremental Review. ~~None per AMDA Agreement.~~

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1 **14. OPEN SPACE, PARKS, AND LIBRARY**

2 A. Representations and Commitments as Conditions.

- 3 (1) Developer agrees to provide a minimum of thirty-five (35%) percent of  
4 the gross acreage of the ~~Babeock Ranch Community~~BRC as open space.  
5 “Open Space” shall consist of the Primary Greenway Plan, non-residential  
6 vegetated green space (including, but not limited to, community supported  
7 agriculture and community gardening), lakes and ponds not engineered for  
8 stormwater, lakes and ponds engineered for stormwater with general  
9 public access, hiking trails, greenways, bike paths, upland and wetland  
10 areas. Active uses such as ball fields, golf courses and other related  
11 recreation uses can be counted toward Open Space, but only 50% of the  
12 area can be utilized for calculation purposes. ~~As part of the DRI Biennial~~  
13 ~~Report, the Developer shall identify compliance with this requirement.~~  
14 (2) ~~Babeock Charlotte~~BRC will provide 19.5 acres of mini-parks, 58.4 acres  
15 of neighborhood parks, and 177.9 acres of community/regional parks,  
16 totaling 255.8 acres, as well as other open space areas within  
17 neighborhoods, which will exceed the expected demand created by  
18 ~~Babeock Charlotte~~BRC. As set forth on Exhibit “D” attached hereto, the  
19 community and regional park buildings and parks site improvements are  
20 required by the issuance of the 5,900<sup>th</sup> dwelling unit certificate of  
21 occupancy. Each neighborhood park with pavilion and restrooms will be  
22 required by the issuance of the 500<sup>th</sup> dwelling unit certificate of occupancy  
23 within each of the neighborhoods.

- 1 | (3) ~~Pursuant to the Charlotte Development Agreement~~ One site totaling 15  
2 | acres will be dedicated for a library. Site acreage is net developable acres  
3 | exclusive of jurisdictional wetlands and listed species habitat. Developer  
4 | shall be required to fund the construction of a 24,000 square foot library  
5 | shell building. The County may desire to construct a library facility  
6 | totaling 40,000 square feet. The County and the Developer agree to  
7 | cooperate with respect to the design, construction and funding of this  
8 | library facility. Developer shall fund the library shell building costs for  
9 | 24,000 square feet and the County shall fund the construction of the  
10 | library shell building costs for 16,000 square feet, in addition to the  
11 | construction completion of the library facility herein. Phase I of the  
12 | library to be provided by the issuance of the 10,000<sup>th</sup> dwelling unit  
13 | certificate of occupancy, and Phase II of the library to be provided by the  
14 | issuance of the 15,000<sup>th</sup> dwelling unit certificate of occupancy as shown  
15 | on the schedule in Exhibit “D”.
- 16 | (4) The parks and library sites shall be conveyed with exotic pest plants  
17 | removed and infrastructure provided.
- 18 | (5) District shall construct the shells of the public purpose buildings  
19 | (including park and library facilities). The term “shell” means site  
20 | preparation, foundations, laying of all utilities, exterior building structural  
21 | components (including all exterior windows and doors), interior  
22 | unfinished load-bearing walls and floors, stairs, elevators, and general  
23 | building MEPF (mechanical, electrical, plumbing, and fire) systems, but

1 not including MEPF systems specific to a floor plan layout. The building  
2 shells shall be completed by District and turned over to County on the  
3 schedule shown on Exhibit “D” attached hereto. Until the turnover to  
4 County, District shall be responsible for maintenance of the building shells  
5 and the associated building landscaping and any costs of operations  
6 elected by District to be incurred prior to said turnover(s). If the District  
7 elects to operate any such buildings prior to turnover to County, County  
8 will consider an operational contract with District. The Developer or  
9 District shall be reimbursed from the impact fees, but only up to the  
10 amount of the impact fees collected from the Development (not including  
11 any interest earned by County), for the design, construction, and  
12 permitting costs of those buildings and the costs of all associated  
13 infrastructure; i.e., water, sewer, paving, drainage, landscaping, lighting,  
14 signage, etc. (collectively the “Costs”), but not for the sites. District shall  
15 be reimbursed by County from funds other than impact fees collected from  
16 the Development for the Costs of any portion of a building requested by  
17 County which is in excess of that required by County standards to satisfy  
18 the demand for the building created by the Development Program.

- 19 (6) District or Developer shall prepare the master plans for the park sites in  
20 consultation with County and at no cost to the County. The County shall  
21 participate with the design team in development of the master plans.

1 (7) The parks and library buildings and sites shall be subject to the land  
2 development regulations and architectural guidelines established for the  
3 Property.

4 B. Other Conditions.

5 (1) All landscaped open space areas shall be replanted with native vegetation  
6 after construction.

7 (i) Ninety percent (90%) of the trees and ninety percent (90%) of the  
8 shrubs installed in public areas will be native plants.

9 (ii) Seventy-five percent (75%) of the total number of required trees  
10 and seventy-five percent (75%) of the shrubs installed in privately  
11 owned areas will be native plants.

12 (iii) One hundred percent (100%) of the trees and shrubs installed in  
13 primary greenways will be native plants.

14 (iv) All plants listed on the Florida Exotic Pest Plant Council’s 2007  
15 List of Invasive Plant Species Category I and II, as set forth in  
16 Exhibit “E” attached hereto and incorporated herein by reference  
17 are prohibited for use as landscaping material.

18 (v) Plant material used for landscaping must conform to the standards  
19 for Florida Number 1, or better as given in Grades and Standards  
20 for Nursery Plants (1998 or latest), and Grades and Standards for  
21 Nursery Plants Florida Department of Agriculture and Consumer  
22 Services, Tallahassee, Florida.

- 1           (2)    General agricultural operations may be conducted in accord with the  
2           ~~BROD and the LDC~~ [Land Development Code](#).
- 3           (3)    The mining lake located immediately west of the northernmost Major Park  
4           shown on Map H will be reclaimed in accordance with the approved  
5           Reclamation Plan and the County permit upon the cessation of mining in  
6           the lake and will be incorporated into the plan for said park (although  
7           remaining in District ownership) for park uses, subject to restrictions and  
8           requirements of SFWMD and/or other governing agencies, and will be  
9           connected to the Greenway.
- 10          (4)    The parks and library buildings shall be completed, staffed, and opened by  
11          County on the schedule shown on Exhibit “D” attached hereto.
- 12          (5)    Public facilities such as parks, libraries and community centers will be co-  
13          located with schools to the extent reasonably practicable. Elementary  
14          schools will be encouraged as focal points for neighborhoods.
- 15          (6)    All parks and library impact fees collected from the Development (not  
16          including any interest earned by County) shall be provided to District in  
17          the form of reimbursements.
- 18          (7)    The common recreational areas and common open spaces will be  
19          maintained by either ~~the~~ [a](#) master property owner’s association, the  
20          District, or a Chapter 190 Community Development District.
- 21          (8)    Vegetated upland areas within conservation areas will be part of the  
22          extensive recreational open space system of ~~Babeock Charlotte~~ [BRC](#).

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C. Incremental Review.

(1) Each AIDA shall provide the number of acres of Open Space to be provided in the Increment and the cumulative number with other approved Increments.

~~(1)~~ (2) Each AIDA shall include an updated Exhibit “D” schedule.

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1 **15. HOSPITALS AND HEALTHCARE**

2 | A. Representations and Commitments as Conditions. – ~~No relevant provisions~~None.

3 | B. Other Conditions.

4 | Hospital beds and assisted living facilities may be provided within ~~Babeek~~  
5 | ~~Charlotte~~BRC subject to applicable licensing.

6 | C. Incremental Review.

7 | Each AIDA shall indicate whether or not a certificate of need has been, or will be,  
8 | filed for hospital or other healthcare facilities in the proposed Increment.

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1   **16.   ENERGY**

2       A.   Representations and Commitments as Conditions.

3           (1)   All community recreational facilities and businesses will be encouraged to  
4                   have bicycle parking facilities located closer to the building entrances than  
5                   non-handicapped parking spaces.

6           (2)   Developer will evaluate internal transit options, and will implement  
7                   options determined by the evaluation to be economically viable.

8           (3)   Window design, as well as other design features such as building  
9                   orientation, solar roof access, overhangs, shading through landscape or  
10                  interior shades, porches, free standing walls, fences, louvers, awnings, or  
11                  shutters will be considered to optimize energy efficiency.

12          (4)   The material choices for streets, parking lots, sidewalks, and the trail  
13                  system shall be selected to ~~reduce~~ encourage the reduction of the heat  
14                  island effect. Alternatives to impervious pavement, and the use of open  
15                  areas, landscaping and shade trees will be an integral component of the  
16                  design.

17          (5)   Lighting for streets, parking, recreation and other public areas should  
18                  include energy efficient fluorescent/electronic ballasts, photovoltaics, low  
19                  voltage lighting, motion sensors and/or timers on lighting and full cut-off  
20                  luminaries in fixtures that comply with the International Dark-Sky  
21                  Association standards.

22          (6)   Water closets will have a maximum water usage of 1.6 gallons/flush.  
23                  Showerheads and faucets will have a maximum flow rate of 2.5

1 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow  
2 rates to 0.5 gallons per minute.

3 (7) A primarily native plant pallet to reduce water consumption throughout  
4 the community will be used as referenced in Section 14, Open Space,  
5 Parks and Library, above. Additionally, Developer will strive to use  
6 innovative irrigation technology, such as drip irrigation, moisture sensors,  
7 and micro spray heads to reduce irrigation water use.

8 (8) All recreational areas as well as the integrated sidewalks, trails, and paths  
9 shall include shade trees where design allows.

10 B. Other Conditions.

11 (1) Commercial and residential buildings shall comply with the Florida  
12 Energy Efficiency Code for Building Construction.

13 (2) Site development shall comply with the Florida Green Building Coalition  
14 Certification Standards or equivalent green building standards.

15 (3) One Zero Energy Home (“ZEH”) model will be built to feature and  
16 promote net zero energy efficient housing.

17 ~~(4) The Developer shall provide educational information on photovoltaic~~  
18 ~~systems, solar hot water heaters, other alternative energy sources,~~  
19 ~~conservation and net metering to each potential home buyer.~~

20 ~~(5)~~(4) The Developer shall allow potential home buyers to select photovoltaic  
21 systems, solar hot water heaters, and other alternative energy or energy  
22 efficient features as an option that is clearly listed in marketing materials  
23 ~~for all home buyers.~~

1 |           ~~(6)~~(5) Recognizing that green building, efficient energy alternatives and the  
2 |           integration of existing and future technology is important and rapidly  
3 |           evolving, the Developer shall continue to evaluate alternatives and create a  
4 |           green building program of options available to the homes and businesses  
5 |           to be built in ~~Babeock-Charlotte~~BRC. Specific programs may include, but  
6 |           are not limited to, higher efficiency appliances, higher efficiency HVAC  
7 |           systems, solar hot water heaters, solar pool heaters, programmable  
8 |           thermostats, net metering as allowed by State law (when and if available  
9 |           under the law) and other. Inasmuch as alternative methods of producing  
10 |          and providing energy is also evolving, the Developer shall work with the  
11 |          State and local power suppliers (LCEC and FP&L) and with suppliers of  
12 |          other commercially reasonable technologies, or combinations thereof, with  
13 |          the objective to create practical and affordable energy options to reduce  
14 |          the consumption of non-renewable energy sources and to encourage the  
15 |          use of renewable energy sources within ~~Babeock-Charlotte~~BRC.  
16 |          Developer shall also explore the usefulness and feasibility in Southwest  
17 |          Florida of green roofs (or suitable alternatives) for residential and  
18 |          commercial buildings, to further reduce energy demands. Compliance  
19 |          with this condition shall be shown by including in the biennial reports a  
20 |          summary of the green building efforts and program to date and the green  
21 |          options made available to homes and businesses.

22 |          C.     Incremental Review. – None ~~per AMDA Agreement~~.

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1 **17. MINING OPERATIONS**

2 A. Representations and Commitments as Conditions.

3 The existing mining operations may be continued during development of the  
4 Community consistent with permitting. As mining operations are phased out,  
5 mining lakes will be properly reclaimed pursuant to applicable permits.

6 B. Other Conditions. – None ~~Required~~.

7 C. Incremental Review. – None ~~per AMDA Agreement~~.

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1 **18. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

2 ~~Charlotte County~~County has determined that the ~~Babcock-Charlotte~~BRC project is  
3 consistent with the ~~Charlotte County~~County Comprehensive Plan.

4 **19. BIENNIAL REPORTS**

5 The Developer, or its successor(s)-in-title to the undeveloped portions of the Property,  
6 must submit a biennial report to the County, the SWFRPC and the ~~DCA, Division of State~~  
7 ~~Planning (“Division”)~~DEO, on Form RPM-BSP Annual Report – 1. This report must describe  
8 the stage of development and the status of compliance with the DRI development order  
9 conditions as of the date of submission and be consistent with the rules of ~~DCA~~DEO. The first  
10 monitoring report must be submitted to the DRI Coordinator for SWFRPC, ~~the Division~~DEO,  
11 and County no later than two years after the effective date of this development order. Further  
12 reporting must be submitted not later than once every two years for subsequent calendar years  
13 thereafter, until Buildout, whether actual or declared. Failure to comply with this biennial  
14 reporting procedure is governed by Subsection 380.06(18), Florida Statutes, which provides for  
15 the temporary suspension of the DRI development order. The Developer must inform  
16 successors-in-title to any undeveloped portion of the real property covered by this development  
17 order of this reporting requirement.

18 **20. CHANGED CONDITIONS**

19 If County, during the course of monitoring the development, can demonstrate that  
20 substantial changes in the conditions underlying the approval of the development order has  
21 occurred or that the development order was based on substantially inaccurate information  
22 provided by the Developer, resulting in additional substantial regional impacts, then a substantial  
23 deviation shall be deemed to have occurred.

1 ~~21.~~ **IMPACT FEE CREDIT AND REIMBURSEMENT**

2       ~~The County and Developer shall enter into an impact fee credit and reimbursement~~  
3 ~~agreement pursuant to the terms of the Charlotte Development Agreement prior to, or~~  
4 ~~contemporaneously with, the issuance of the development order for the first Increment.~~

5 ~~22.~~ **FISCAL MONITORING AND BUDGET STABILIZATION**

6       ~~To guarantee that the development of Babcock Charlotte will not create a negative fiscal~~  
7 ~~impact on the County, County and District will enter into a Fiscal Agreement in accordance with~~  
8 ~~the terms of the Charlotte Development Agreement. Said Fiscal Agreement shall be entered into~~  
9 ~~prior to, or contemporaneously with, the issuance of the development order for the first~~  
10 ~~Increment.~~

11 ~~23.~~[21.](#) **COMPLIANCE MONITORING**

12       The County Administrator, or his or her designee, shall be the local official responsible  
13 for assuring compliance with the development order. Monitoring procedures will include  
14 County's site plan review and code enforcement procedures, and the Biennial Reports.

15 ~~24.~~[22.](#) **EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY**  
16 **REDUCTION**

17       Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this project is exempt from  
18 downzoning, intensity reduction, or unit density reduction until ~~December 31, 2037~~[September 9,](#)  
19 [2042](#), unless County can demonstrate that substantial changes in the conditions underlying the  
20 approval of the development order have occurred or the development order was based on  
21 substantially inaccurate information provided by the Developer or that the change is clearly  
22 established by local government to be essential to the public health, safety, or welfare.

1 | ~~25.~~23. **COMMENCEMENT OF DEVELOPMENT**

2 |       Development shall commence in accordance with the deadline(s) established in the  
3 | Incremental development orders.

4 | ~~26.~~24. **PROJECTED BUILDOUT**

5 |       The project is being built in Increments. Buildout of the final Increment is projected to  
6 | occur on or about ~~July 5, 2040~~September 9, 2042 (“Buildout Date”).

7 | ~~27.~~25. **EXPIRATION DATE**

8 |       The expiration date for this Development Order is ~~December 31, 2041~~March 3, 2044.

9 | ~~28.~~26. **DEVELOPMENT PERMITS**

10 |       Subsequent requests for development permits shall not require further review pursuant to  
11 | Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners of  
12 | Charlotte County (“Board”), after due notice and hearing, that one or more of the following  
13 | items listed in Paragraphs A and B is present. Upon such a finding, the Board may take any  
14 | action authorized by Subsection 380.06(19), Florida Statutes, pending issuance of an amended  
15 | development order.

16 |       A.     A substantial deviation from the terms or conditions of this development order, a  
17 | failure to carry out conditions, commitments or mitigation measures to the extent set forth herein  
18 | or consistent with the timing schedules specified herein or substantial deviation from the  
19 | approved development plans which create a reasonable likelihood of additional regional impacts  
20 | or other types of regional impacts which were not previously reviewed by the SWFRPC; or

21 |       B.     An expiration of this development order as provided herein.

1 | **29.27. GENERAL PROVISIONS**

2 |       The approval granted by this development order is limited. Such approval shall not be  
3 | construed to relieve the Developer of the duty to comply with all other applicable local, state or  
4 | federal permitting regulations.

5 |       A.     Developer and County shall work together in a cooperative manner to ensure that  
6 | the necessary applications to County, the issuance of permits and the conduct of inspections  
7 | occur expeditiously and that development is not impeded by unnecessary delays associated with  
8 | such applications, permit issuances, and inspections.

9 |       B.     It is understood that any reference herein to any governmental agency shall be  
10 | construed to mean any future entity which may be created or be designated or succeed in interest  
11 | to, or which otherwise possesses any of the powers and duties of, any referenced governmental  
12 | agency in existence on the effective date of this development order.

13 |       C.     Appropriate conditions and commitments contained herein may be assigned to or  
14 | assumed by District.

15 |       ~~D.     If there is a conflict between a provision in this development order and a~~  
16 | ~~provision in the Charlotte Development Agreement, the provision in this development order shall~~  
17 | ~~prevail. Exhibit “D” attached hereto and made a part hereof by reference is an updated version~~  
18 | ~~of Exhibit “D” to the Charlotte Development Agreement entitled “Summary of Land Dedication~~  
19 | ~~and Facilities Construction”. Said updated Exhibit “D” also replaces Exhibit “D” to the~~  
20 | ~~Charlotte Development Agreement.~~

21 |       E.D.   If there is a conflict between a provision in this development order and a  
22 | provision in an ERP, a Consumptive Use Permit (“CUP”) or ACOEP, the provision in the ERP,  
23 | CUP, or ACOEP shall prevail.

1 | ~~F.E.~~ F.E. In the event that any portion or section of this development order is determined to  
2 | be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such  
3 | decision shall in no manner, affect the remaining portions of this development order which shall  
4 | remain in full force and effect.

5 | ~~G.F.~~ G.F. This development order shall be binding upon the County and the Developer, its  
6 | assignees or successors-in-interest.

7 | ~~H.G.~~ H.G. This development order shall become effective as provided by law.

8 | ~~I.H.~~ I.H. Certified copies of this development order shall be provided by the County to  
9 | ~~DCA-DEO~~ DCA-DEO and the SWFRPC as provided in Subsection 380.06(25)(g), Florida Statutes.

10 | ~~J.I.~~ J.I. This Resolution shall be recorded in the Minutes of the Board.

11 | **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
12 |

1 | PASSED AND DULY ADOPTED this \_\_\_\_\_ day of ~~December, 2011~~ \_\_\_\_\_  
2 | \_\_\_\_\_.

3  
4 | BOARD OF COUNTY COMMISSIONERS  
5 | OF CHARLOTTE COUNTY, FLORIDA  
6

7  
8 | By: \_\_\_\_\_  
9 | ~~Robert J. Starr~~ Christopher Constance,

10 | Chairman

11  
12 | ATTEST:  
13 | Barbara T. Scott, Clerk of Circuit  
14 | Court and Ex-officio Clerk to the  
15 | Board of County Commissioners  
16

17 | By: \_\_\_\_\_  
18 | Deputy Clerk  
19

20  
21 | APPROVED AS TO FORM  
22 | AND LEGAL SUFFICIENCY:  
23

24  
25 | By: \_\_\_\_\_  
26 | Janette S. Knowlton, County Attorney  
27

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**Exhibits**

- Exhibit A      Legal Description
- Exhibit B      Master Concept Plan (Map H)
- Exhibit C      Questions to be addressed in AIDA’s
- Exhibit D      Updated Summary of Land Dedications and Facilities  
Construction
- Exhibit E      Florida Exotic Pest Plant Council’s 2007 List of Invasive  
Plant Species
- Exhibit F      Master (Buildout 2035) Roadway Network with Initial  
Internal Capture Rate – 22% and with Developer’s  
Estimated Community Capture Rate – 60%

Legal Description

CHARLOTTE COUNTY PARCEL:

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.56 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'08"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.81 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 861.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,643.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S89°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 289.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°38'46"W a distance of 5,337.00 feet to the Point of Beginning. Containing 13,630.60 acres, more or less. Dimensions and acreage shown are grid values. Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

S:\20056201-01\Charlotte-Sketch and Description.dwg (11x14-P (3)) sp Oct 23, 2007 - 7:58am



251 WEST MCKINPOCHEE AVENUE  
LAKELAND, FLORIDA 33905  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #642 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-502	31-42-26	As Shown	3

**(Master Concept Plan – Map H)**

**FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR PROPOSED DEVELOPMENT OF +/- 13,630.6 ACRES LOCATED ON S.R. 31 IN CHARLOTTE COUNTY BABCOCK RANCH**

**FIXED DEVELOPMENT CRITERIA**

1. Development of the subject property shall not exceed: 17,870 dwelling units; 6,000,000 square feet of non-residential uses, including commercial/office/retail space, light industrial, government/civic space (not including schools or churches), assisted living units, hospital beds, and hotel rooms. Ancillary facilities such as education service center, library, park buildings, schools, places of worship, and university research facilities and regional and community park sites will not be attributed to other development components and will not require use of the equivalency matrix.
2. Agricultural uses shall be permitted throughout the Babcock Ranch Community.
3. There shall be a minimum of thirty-five (35%) percent Open Space provided overall.
4. Open Space/Conservation Easements shall be addressed during subsequent incremental submittals, and recorded in the Public Records following final permitting.

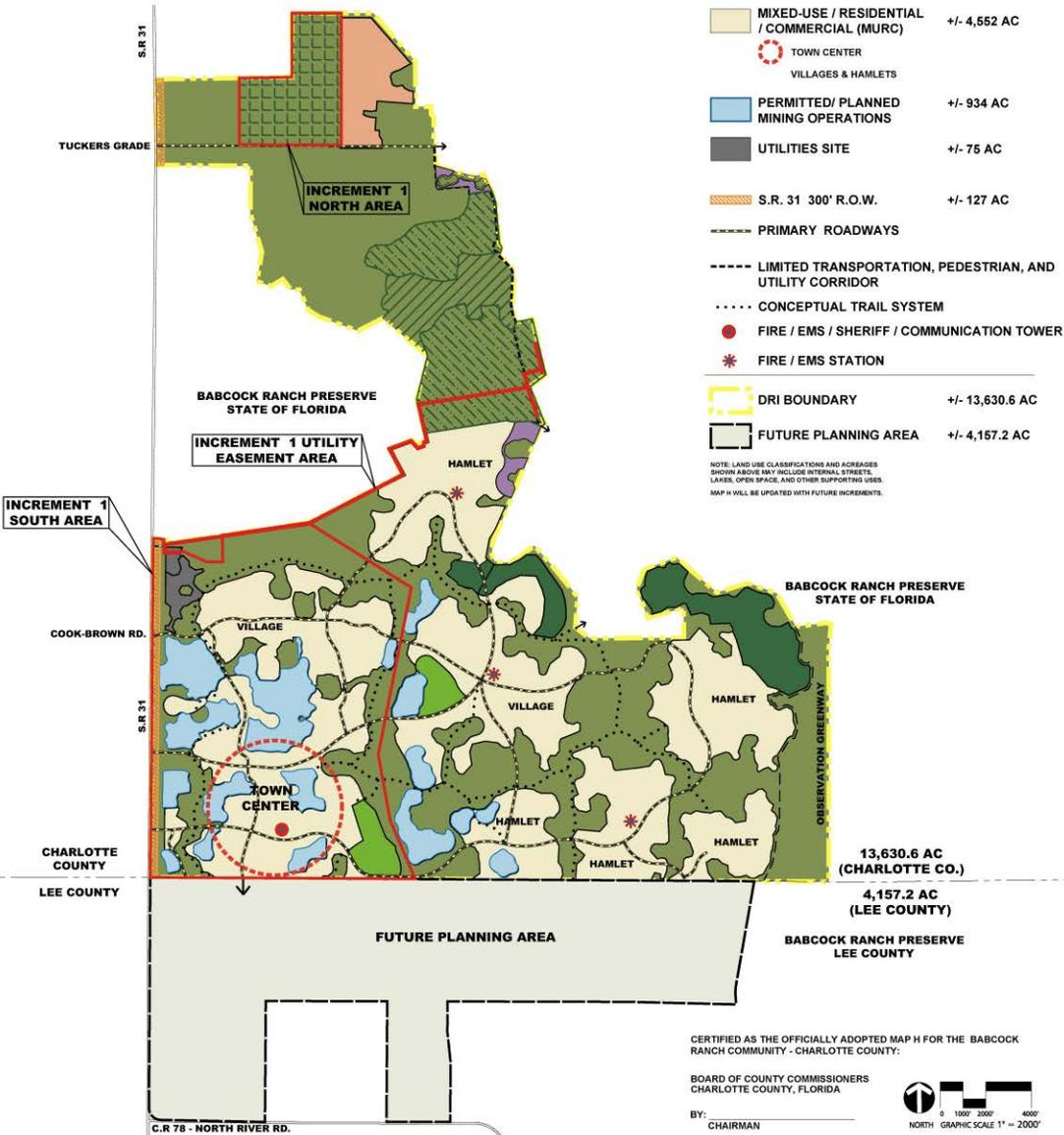
**VARIABLE DEVELOPMENT CRITERIA**

1. The following items will be refined during subsequent incremental reviews and/or final permitting:
  - a. Final acreages of all proposed uses;
  - b. Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;
  - c. The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
  - d. The internal road alignments and circulation;
  - e. The configuration and detail associated with the agriculture areas;
  - f. The final location, allocation, alignment and use of the conceptual trail system;
  - g. The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
  - h. The limited transportation, pedestrian, and utility corridor between the northern most mixed use/residential/commercial area and North Babcock Area.
2. The existing mining operations, including areas currently planned or permitted, will be allowed to continue, consistent with mining permits for these areas. Additional mining areas may be allowed consistent with subsequent permitting. These areas will be shown on updated maps provided through the DRI monitoring process or through subsequent DRI increments.
3. The boundaries of the areas shown as "Mixed Use/Residential/Commercial" including Town Center, Villages and Hamlets are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support "mixed use" or "residential" or "commercial" including, but not limited permitting consistent with local Land Development Regulations.

**DRI LAND USE SUMMARY**

	<b>GREENWAYS/ FLOWWAYS/ AGRICULTURE</b>	<b>+/- 6,934.6 AC</b>
	<b>302 ACRE CONSERVATION EASEMENT CORRIDOR</b>	
	<b>FUTURE CONSERVATION AREA/ AGRICULTURE</b>	
	<b>SOLAR ARRAY AREA (OPTIONAL)</b>	
	<b>NORTH BABCOCK AREA</b>	<b>+/- 276 AC</b>
	<small>NOTE: INCLUDES ECO-TOURISM LODGE, ENVIRONMENTAL EDUCATION AND RESEARCH CENTER, RIDING STABLES AND EQUINE TRAIN FACILITY AND ACCESSORY USES, A GENERAL STORE, AN RV PARK, AND A 4-H CAMP. ALL KNOW-NS EDUCATION AND RECREATION USES.</small>	
	<b>HIGHER EDUCATION</b>	<b>+/- 67 AC</b>
	<small>NOTE: INCLUDES FGCU ECOLOGICAL RESEARCH CENTER.</small>	
	<b>17 ACRE FGCU ENVIRONMENTAL EDUCATION AND RESEARCH CENTER</b>	
	<b>MAJOR PARKS</b>	<b>+/- 178 AC</b>
	<small>LOCATION SUBJECT TO CHANGE</small>	
	<b>RECREATION</b>	<b>+/- 487 AC</b>
	<b>MIXED-USE / RESIDENTIAL / COMMERCIAL (MURC)</b>	<b>+/- 4,552 AC</b>
	<b>TOWN CENTER</b>	
	<small>VILLAGES &amp; HAMLETS</small>	
	<b>PERMITTED/ PLANNED MINING OPERATIONS</b>	<b>+/- 934 AC</b>
	<b>UTILITIES SITE</b>	<b>+/- 75 AC</b>
	<b>S.R. 31 300' R.O.W.</b>	<b>+/- 127 AC</b>
	<b>PRIMARY ROADWAYS</b>	
	<b>LIMITED TRANSPORTATION, PEDESTRIAN, AND UTILITY CORRIDOR</b>	
	<b>CONCEPTUAL TRAIL SYSTEM</b>	
	<b>FIRE / EMS / SHERIFF / COMMUNICATION TOWER</b>	
	<b>FIRE / EMS STATION</b>	
	<b>DRI BOUNDARY</b>	<b>+/- 13,630.6 AC</b>
	<b>FUTURE PLANNING AREA</b>	<b>+/- 4,157.2 AC</b>

NOTE: LAND USE CLASSIFICATIONS AND ACREAGES SHOWN ABOVE MAY INCLUDE INTERNAL STREETS, LAKES, OPEN SPACE, AND OTHER SUPPORTING USES. MAP H WILL BE UPDATED WITH FUTURE INCREMENTS.

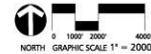


CERTIFIED AS THE OFFICIALLY ADOPTED MAP H FOR THE BABCOCK RANCH COMMUNITY - CHARLOTTE COUNTY:

BOARD OF COUNTY COMMISSIONERS  
CHARLOTTE COUNTY, FLORIDA

BY: \_\_\_\_\_  
CHAIRMAN

ON: \_\_\_\_\_



**Babcock Ranch**  
A SHARED VISION. A SHARED COMMITMENT.

The Babcock Ranch Community - Charlotte County  
**MASTER DEVELOPMENT PLAN**  
MAP H  
AUGUST 2013

**(Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)**

**FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR PROPOSED DEVELOPMENT OF +/- 13,630.6 ACRES LOCATED ON S.R. 31 IN CHARLOTTE COUNTY BABCOCK RANCH**

**FIXED DEVELOPMENT CRITERIA**

1. Development of the subject property shall not exceed: 17,870 dwelling units ~~in Charlotte Co., and~~ 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/ civic space (not including schools, ~~or churches~~ places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms. Ancillary facilities such as the educational service center, ~~library, park buildings,~~ schools, ~~places of worship,~~ and university research facilities, libraries, places of worship, and regional and community park sites, and the necessary utility infrastructure including, but not limited to, water, wastewater and reuse water systems, electric, telephone and cable systems will not be attributed to other development components set forth above, will not count towards the maximum thresholds of development as established in the Development Order and the BROD policies of the 2050 Smart Charlotte Comprehensive Plan, and will not require use of the equivalency matrix.
2. Agricultural uses shall be permitted throughout the Babcock Ranch Community.
3. There shall be a minimum of thirty-five (35%) percent Open Space provided overall.
- ~~4. All development of the subject property, as it relates to the defined development forms, design standards and provisions and uses common to the district, shall be in conformance with the Babcock Ranch Overlay Zoning District (Ordinance No. 2006-058) as may be amended.~~
- ~~5~~4. Open Space/ Conservation Easements shall be addressed during subsequent incremental submittals, and recorded in the Public Records following final permitting.

**VARIABLE DEVELOPMENT CRITERIA**

1. The following items will be refined during subsequent incremental reviews and/or final permitting:
  - a. Final acreages of all proposed uses;
  - b. Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;
  - c. The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
  - d. The internal road alignments and circulation;
  - e. The configuration and detail associated with the agriculture areas;
  - f. The final location, allocation, alignment and use of the conceptual trail system;
  - g. The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
  - h. The limited transportation, pedestrian, and utility corridor between Hamlet I and North Babcock Area.
2. The existing mining operations, including areas currently planned or permitted, will be allowed to continue, consistent with mining permits for these areas. Additional mining areas may be allowed consistent with subsequent permitting. These areas will be shown on updated maps provided through the DRI monitoring process or through subsequent DRI increments.
3. The boundaries of the areas shown as "Mixed Use/ Residential/ Commercial", including Town Center, ~~Village Centers~~ Villages, and ~~Hamlet Centers~~ Hamlets, are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support "mixed use" or "residential" or "commercial," including, but not limited to parking, stormwater lakes,

**(Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)**

preservation areas, parks or other space, may be identified and refined during subsequent incremental review and/or through subsequent permitting consistent with local Land Development Regulations.

The following indicates which application questions are to be addressed only in the Master DRI Application and which questions are to be addressed in both the AMDA (“Master”) and the AIDA’s (“Increment”). It also indicates those instances where only documentation required by the corresponding Incremental Review provision of this Master Development Order is to be provided (“Documentation”).

**AMDA and AIDA Questionnaire Responses**

Question	1, Statement of Intent .....	Master, Increment
Questions	2, 3 Applicant Information .....	Master, Increment
Question	4, Notarized Authorization .....	Master, Increment
Question	5, Legal Description .....	Master, Increment
Question	6, Binding Letter Status .....	Master
Question	7, Local Government Jurisdiction .....	Master, <del>Increment</del>
Question	8, Permitting Status .....	Master, Increment
Question	9, Maps (All) .....	Master
Question	9, Maps B, F, G, H, I, J .....	Increment
Question	10, Part 1, Project Description .....	Master, Increment
Question	10, Part 2, Comprehensive Plan .....	Master, <del>Documentation</del>
Question	10, Part 3, Demographics .....	Master
Question	10, Part 4, Impact Summary .....	Master
Question	11, Revenue Generation .....	Master, <del>Documentation</del>
Question	12, Vegetation and Wildlife .....	Master, Increment
	<b>(MDO Condition 6)</b>	
Question	13, Wetlands .....	Master, Increment
	<b>(MDO Condition 6)</b>	
Question	14, Water .....	Master, Increment
	<b>(MDO Condition 4)</b>	
Question	15, Soils .....	Master
Question	16, Floodplains .....	Master, See Stormwater Management
	<b>(MDO Condition 4)</b>	
Question	17, Water Supply .....	Master, Increment
	<b>(MDO Condition 7)</b>	
Question	18, Wastewater Management .....	Master, Documentation
	<b>(MDO Condition 7)</b>	
Question	19, Stormwater Management .....	Master, Increment
	<b>(MDO Condition 4)</b>	
Question	20, Solid Waste .....	Master, Documentation
	<b>(MDO Condition 11)</b>	
Question	20, Hazardous Waste .....	Master, Documentation
	<b>(MDO Condition 11)</b>	
Question	21, Transportation .....	Master, Increment
	<b>(MDO Condition 5)</b>	
Question	22, Air .....	Master
	<b>(MDO Condition 12)</b>	
Question	23, Hurricane Preparedness .....	Master, Documentation
	<b>(MDO Condition 13)</b>	

**AMDA and AIDA Questionnaire Responses, (continued)**

- Question 24, Housing ..... Master, ~~Documentation~~  
*(MDO Condition 3)*
- Question 25, Police and Fire Protection ..... Master, Documentation  
*(MDO Condition 10)*
- Question 26, Recreation/Open Space ..... Master, Documentation  
*(MDO Condition 14)*
- Question 27, Education ..... Master, ~~Documentation~~  
*(MDO Condition 9)*
- Question 28, Health Care ..... Master, Documentation  
*(MDO Condition 15)*
- Question 29, Energy ..... Master, Documentation  
*(MDO Condition 16)*
- Question 30, Historical/Archaeological ..... Master, Documentation  
*(MDO Condition 8)*
- Question 33, Hospitals ..... Master, Documentation  
*(MDO Condition 15)*
- Question 35, Mining Operations ..... Master, Documentation  
*(MDO Condition 17)*

**EXHIBIT D**

**December 13, 2011 (Insert date)**

**SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION**

**SITE & BUILDING DEDICATION/CONSTRUCTION TIME LINE**

**Public Facilities Required**      **Aggregate Site Dedication (acre)**      **Number of Sites (#)**      **Shell Building Required (s.f.)**      **Criteria for County Facility Opening (by C/O) Commencement of Operations**

**The criteria for determining public facility shell completion and/or land dedication shall be by certificate of occupancy ("C/O") referenced below.**

**Parks, Recreation and Cultural Resources**

Community Park/Regional Park	77.9	1	6500 *1	5,900th C/O
Neighborhood Parks (Village Parks)	58.4	7	2500 *2	500th C/O *5
Mini Parks *8	19.5	11		
Library Component	15.0	1	24000 *3 15,000 (County participation)	10,000th C/O
Regional park and community park to be centrally located	100.0	1	6,500 *1	5,900th C/O

	Community Park Building and park site improvements by the 5,900th du/C.O.		
1-Neighborhood Park #1 w/Pav & restrooms (500th C/O within Neighborhood).	2- Neighborhood Park #2&3 w/Pav & restrooms (500th C/O within Neighborhood).	2-Neighborhood Park #4&5 w/Pav & restrooms (500th C/O within Neighborhood).	2-Neighborhood Park #6&7 w/Pav & restrooms (500th C/O within Neighborhood).
As Neighborhoods develop	As Neighborhoods develop	As Neighborhoods develop	As Neighborhoods develop
	Phase I - 20,000 sf building by the 10,000th du/C.O. *9	Phase II Library by the 15,000th C/O	
	Regional Park Building and park site improvements by the 5,900th du/C.O.		

**Fire/Rescue/Law Enforcement**

Site #1	5.5	1	17,300 (9,300 sf for Sheriff; 8,000 sf for Fire)	<u>One (1) EMS vehicle by 500th C/O - Combined Fire Station and Sheriff facilities by 5,000th C/O</u>
Site #2	1.5	1	6,500	2nd Fire Station 10,000th C/O
Site #3	1.5	1	6,500	3rd Fire Station 15,000th C/O
Site #4	1.5	1	6,500	4th Fire Station 17,000th C/O
Fire & Police Communications Tower Site *11	0.25	1		Site identification and dedication by 5,000th C/O (will be located adjacent to the combined fire/sheriff site)
<u>Interim Sheriff's Sub-station Office Trailer *12</u>			<u>24'W x 60' overall L</u>	<u>Interim-sub-station Sheriff's trailer 1st residential building permit</u>

*The District will provide an interim fully operational office trailer (24'W x 60' overall L). The trailer will be located next to the fire station currently located on SR 34 and will utilize the currently available utilities serving the existing fire station.*

<u>One (1) EMS Transport Vehicle by the 500th C/O - 17,300 combined Fire Station and Sheriff facilities by the 5,000th C/O. *10</u>			
	6,500 sf Fire Station by the 10,000th C/O		
		6,500 sf Fire Station by the 15,000th C/O	
			6,500 sf Fire Station by the 17,000th C/O
Will be operational by the issuance of the first <u>land development/residential building</u> permit. *12			

**Public Facilities**

County Annex - "County Hall"			20,000	By the issuance of the 7,000th C/O *14
------------------------------	--	--	--------	--

	The County Hall building will be operational by the issuance of the 7,000th C/O		
--	---	--	--

**Solid Waste**

Site #1	6.0	1	n/a	Prior to the issuance of the 10,000th C/O
---------	-----	---	-----	---

**Extension Services**

Site #1	24.0	1	n/a	Prior to the issuance of the 1st C/O *15
Mosquito Control pre-fab building (shell only)	1.0	1	3000 *7	Prior to the issuance of the 5,000th C/O
Site#2	1.0	1	n/a	Prior to the issuance of the 5,000th C/O

Prior to the issuance of the 5,000th C/O

**Total page 1      313.05**

**EXHIBIT D**

~~December 13, 2011~~ (Insert date)

**SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION**

**SITE & BUILDING DEDICATION TIME LINE**

Public Facilities Required	Aggregate Site Dedication (acre)	Number of Sites (#)	Shell Building Required (s.f.)	Criteria for County Facility Opening Commencement of Operations
<b>Schools *6</b>				School Board criteria for land dedication per the School Site Dedication Agreement.
Elementary Schools	60 (20 per school)	3	n/a	*6
Middle Schools	30.0	1	n/a	
High Schools	50.0	1	n/a	
Educational Service Center	25.0	1	n/a	
<b>sub-total page 2</b>	<b>165.0</b>			
<b>Grand total pages 1 &amp; 2</b>	<b>478.05</b>			

The phase reference above is an estimate only. The criteria for determining public facility shell completion and/or land dedication shall be by certificate of occupancy ("C/O")

<a href="#">School Board criteria for land dedication per the School Site Dedication Agreement 5,900th C/O or before if requested by School Board.</a>	<a href="#">School Board criteria for land dedication per the School Site Dedication Agreement 8,700th C/O or before if requested by School Board.</a>	<a href="#">School Board criteria for land dedication per the School Site Dedication Agreement 13,000th C/O or before if requested by School Board.</a>
	<a href="#">School Board criteria for land dedication per the School Site Dedication Agreement 8,700th C/O or before if requested by School Board.</a>	
		<a href="#">School Board criteria for land dedication per the School Site Dedication Agreement 11,000th C/O or before if requested by School Board.</a>
<a href="#">School Board criteria for land dedication per the School Site Dedication Agreement 5,900th C/O or before if requested by School Board.</a>		

## EXHIBIT D

~~December 13, 2011~~ (Insert date)

### Notes to Exhibit 'D'

- \*1 Community park building improvements to include community center, plus pavilion and restrooms.
- \*2 Neighborhood parks (village park) to include pavilion and restrooms.
- \*3 Phased Library option. The developer shall be required to fund the construction of a 24,000 sf library shell building. The County may desire to construct a library facility totaling 40,000 sf. The County and the developer agree to cooperate, with respect to the design, construction, and funding of this library facility. The developer shall fund the library shell building costs for 24,000 sf and the County shall fund the construction of the library shell building costs for 16,000 sf. In addition to the construction completion of the library facility described herein.
- \*4 RESERVED.
- \*5 Must be completed and turned over prior to the 500th C/O for the village within which it is located.
- \*6 First school may be developed as an interim school within a commercial building, located within the Town Center or in some other facility, agreed to between the School Board and the District. The school board and the District shall determine the timing of the dedication of the required school sites and the educational service center, required above, during the DRI review process. During the DRI process the School Board and the District will negotiate an agreement for the bonded construction, leaseback, and sale of the buildings pursuant to the issuance of bonds by the District for said construction.
- \*7 Pre-fab building to include two offices, two bays for vehicle and equipment, and chemical storage. This facility shall be ADA compliant and shall include all required utilities, parking, and landscaping.
- \*8 Mini parks required herein shall be designed, developed, and maintained by the Developer; the District; or the master property owner's association. The mini parks shall not be dedicated to the County.
- \*9 RESERVED.
- \*10 The first fire station building will be co-located with the sheriff's sub-station facility.
- \*11 A communication tower site for the exclusive use of the Fire/EMS and Sheriff's department will be located adjacent to the combined fire/sheriff facility and will be deeded to the County by the issuance of the 5,000th residential C/O.
- \*12 An interim sheriff's sub-station office trailer (24'W x 60' overall length) will be located next to the existing fire station site located on SR 31. The interim trailer will connect to the utilities that service the existing fire station. The trailer will be fully operational by the issuance of the first ~~land development~~ residential building permit and will be terminated upon the opening of the combined Fire/Sheriff's ~~combined~~ facility.
- \*13 RESERVED.
- \*14 A County Annex building will be constructed ~~per the shell requirements of the Developer's Agreement~~. This facility will be designed as a gathering place for community residents, and as County Commission and key staff satellite offices. Appropriate operations shall be served from this facility. The District may choose to construct the shell building earlier than the 7,000th C/O, following which the District will be responsible to maintain the exterior of the building and all site improvements constructed to support the County Annex building until the building is completed and occupied by the County (7,000 C/O). The County, at its option, may increase the size of the County Annex and fund said expansion.
- \*15 Primitive camp site development may occur on Site #1 without being included in an increment.

### General Notes:

- 1) All dedications and construction, required under this schedule, shall be completed and turned over based on a dwelling unit certificate of occupancy use threshold required above.
- 2) The shell building construction required above shall be completed by the Developer one (1) year prior to the issuance of the C/O referenced in the column entitled '~~Criteria for County Facility Opening~~ Commencement of Operations'.

**Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species****CATEGORY I**

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

<b>Scientific Name</b>	<b>Common Name</b>
<i>Abrus precatorius</i>	rosary pea
<i>Acacia auriculiformis</i>	earleaf acacia
<i>Albizia julibrissin</i>	mimosa, silk tree
<i>Albizia lebbbeck</i>	woman's tongue
<i>Ardisia crenata</i>	coral ardisia
(= <i>A. crenulata</i> misapplied)	
<i>Ardisia elliptica</i>	shoebutton ardisia
(= <i>A. humilis</i> misapplied)	
<i>Asparagus aethiopicus</i> (= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)	asparagus-fern
<i>Bauhinia variegata</i>	orchid tree
<i>Bischofia javanica</i>	bishopwood
<i>Calophyllum antillanum</i> (= <i>C. calaba</i> and <i>C. inophyllum</i> misapplied)	Santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)
<i>Casuarina equisetifolia</i>	Australian-pine, beach sheoak
<i>Casuarina glauca</i>	suckering Australian- pine, gray sheoak
<i>Cinnamomum camphora</i>	camphor tree
<i>Colocasia esculenta</i>	wild taro
<i>Colubrina asiatica</i>	lather leaf
<i>Cupaniopsis anacardioides</i>	carrotwood
<i>Dioscorea alata</i>	winged yam
<i>Dioscorea bulbifera</i>	air-potato
<i>Eichhornia crassipes</i>	water-hyacinth
<i>Eugenia uniflora</i>	Surinam cherry
<i>Ficus microcarpa</i> ( <i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig
<i>Hydrilla verticillata</i>	hydrilla
<i>Hygrophilia polysperma</i>	green hygro
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass
<i>Imperata cylindrica</i> ( <i>I. brasiliensis</i> misapplied)	cogon grass
<i>Ipomoea aquatica</i>	waterspinach
<i>Jasminum dichotomum</i>	gold coast jasmine
<i>Jasminium fluminense</i>	Brazilian jasmine
<i>Lantana camara</i>	lantana, shrub verbena
<i>Ligustrum licidum</i>	glossy privet
<i>Ligustrum sinsense</i>	Chinese privet, hedge privet

**Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species****CATEGORY I, (continued)**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Ludwigia peruviana</i>	Peruvian primrosewillow
<i>Lygodium japonicum</i>	Japanese climbing fern
<i>Lygodium microphyllum</i>	Old World climbing fern
<i>Macfadyena uniguis-cati</i>	cat's claw vine
<i>Manilkara zapota</i>	sapodilla
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark
<i>Mimosa pigra</i>	catclaw mimosa
<i>Nandina domestica</i>	nandina, heavenly bamboo
<i>Nephrolepis cordifolia</i>	sword fern
<i>Nephrolepis multiflora</i>	Asian sword fern
<i>Neyraudia reynaudiana</i>	burma reed, cane grass
<i>Paederia cruddasiana</i>	sewer vine, onion vine
<i>Paederia foetida</i>	skunk vine
<i>Panicum repens</i>	torpedo grass
<i>Pennisetum purpureum</i>	napier grass
<i>Pistia stratiotes</i>	waterlettuce
<i>Psidium cattleianum</i> (= <i>P. littorale</i> )	strawberry guava
<i>Psidium guajava</i>	guava
<i>Pueraria montana</i> var. <i>lobata</i> (= <i>P. lobata</i> )	kudzu
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle
<i>Rhynchelytrum repens</i> (= <i>Melinis repens</i> )	natal grass
<i>Ruellia tweediana</i> (= <i>R. brittoniana</i> , <i>R. coerulea</i> )	Mexican petunia
<i>Sapium sebiferum</i> (= <i>Tridaca sebifera</i> )	popcorn tree, Chinese tallow tree
<i>Scaevola taccada</i> (= <i>Scaevola sericea</i> , <i>S. frutescens</i> )	scaevola, half-flower, beach naupaka
<i>Schefflera actinophylla</i> (= <i>Brassaia actinophylla</i> )	schefflera, Queensland umbrella tree
<i>Schinus terebinthifolius</i>	Brazilian pepper
<i>Senna pendula</i> var. <i>glabrata</i> (= <i>Cassia coluteoides</i> )	climbing cassia, Christmas cassia, Christmas senna
<i>Solanum tampicense</i> (= <i>S. houstonii</i> )	wetland nightshade, aquatic soda apple
<i>Solanum viarum</i>	tropical soda apple
<i>Syngonium podophyllum</i>	arrowhead vine
<i>Syzigium cumini</i>	jambolan plum, Java plum
<i>Tectaria incisa</i>	incised halberd fern
<i>Thespesia populnea</i>	seaside mahoe
<i>Tradescantia fluminensis</i>	white-flowered wandering jew
<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i> )	para grass

**Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species****CATEGORY II**

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become ranked Category I, if ecological damage is demonstrated.

<b>Scientific Name</b>	<b>Common Name</b>
<i>Adenanthera pavonina</i>	red sandalwood
<i>Agave sisalana</i>	sisal hemp
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i> )	tung oil tree
<i>Alstonia macrophylla</i>	devil tree
<i>Alternanthera philoxeroides</i>	alligator weed
<i>Antigonon leptopus</i>	coral vine
<i>Aristolochia littoralis</i>	calico flower
<i>Asystasia gangetica</i>	Ganges primrose
<i>Begonia cucullata</i>	wax begonia
<i>Blechnum pyramidatum</i>	green shrimp plant, Browne's blechnum
<i>Broussonetia papyrifera</i>	paper mulberry
<i>Callisia fragrans</i>	inch plant, spironema
<i>Casuarina cunninghamiana</i>	river sheoak, Australian-pine
<i>Cecropia palmate</i>	trumpet tree
<i>Cestrum diurnum</i>	day jessamine
<i>Chamaedorea seifrizii</i>	bamboo palm
<i>Clematis terniflora</i>	Japanese clematis
<i>Cryptostegia madagascariensis</i>	rubber vine
<i>Cyperus involucratus</i>	umbrella plant
( <i>C. alternifolius</i> misapplied)	
<i>Cyperus prolifer</i>	dwarf papyrus
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo
<i>Elaeagnus pungens</i>	silverthorn, thorny olive
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos
<i>Ficus altissima</i>	false banyan, council tree
<i>Flacourtia indica</i>	governor's plum
<i>Hemarthria altissima</i>	limpo grass
<i>Hibiscus tiliaceus</i> (= <i>Talipariti tiliceum</i> )	mahoe, sea hibiscus
<i>Ipomoea fistulosa</i> (= <i>I. carnea</i> ssp. <i>fistulosa</i> )	shrub morning-glory
<i>Jasminum sambac</i>	Arabian jasmine
<i>Kalanchoe pinnata</i>	life plant
<i>Koelreuteria elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)	flamegold tree
<i>Leucaena leucocephala</i>	lead tree
<i>Limnophila sessiliflora</i>	Asian marshweed
<i>Livistona chinensis</i>	Chinese fan palm
<i>Melia azedarach</i>	Chinaberry
<i>Melinis minutiflora</i>	Molassesgrass

**Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species****CATEGORY II, (continued)**

<i>Merremia tuberosa</i>	wood-rose
<i>Murraya paniculata</i>	orange-jessamine
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil
<i>Nymphoides cristata</i>	snowflake
<i>Panicum maximum</i>	Guinea grass
<i>Passiflora biflora</i>	two-flowered passion vine
<i>Pennisetum setaceum</i>	green fountain grass
<i>Phoenix reclinata</i>	Senegal data palm
<i>Phyllostachys aurea</i>	golden bampoo
<i>Pittosporum pentandrum</i>	Philippine pittosporum, Taiwanese cheesewood
<i>Pteris vittata</i>	Chinese brake fern
<i>Ptychosperma elegans</i>	solitaire palm
<i>Rhoeo spathacea</i> (see <i>Tradescantia</i> <i>spathacea</i> )	
<i>Ricinus communis</i>	castor bean
<i>Rotala rotundifolia</i>	roundleaf toothcup, dwarf <i>Rotala</i>
<i>Sansevieria hyacinthoides</i>	bowstring hemp
<i>Scleria lacustris</i>	Wright's nutrush
<i>Sesbania punicea</i>	purple sesban, rattlebox
<i>Solanum diphyllum</i>	two-leaf nightshade
<i>Solanum jamaicense</i>	Jamaica nightshade
<i>Solanum torvum</i>	susumber, turkey berry
<i>Sphagneticola trilobata</i> (= <i>Wedelia trilobata</i> )	wedelia
<i>Stachytarpheta cayennensis</i> (= <i>S. urticifolia</i> )	nettle-leaf porterweed
<i>Syagrus romanzoffiana</i> (= <i>Arecastrum</i> <i>romanzoffianum</i> )	queen palm
<i>Syzygium jambos</i>	rose-apple
<i>Terminalia catappa</i>	tropical-almond
<i>Terminalia muelleri</i>	Australian-almond
<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i> )	oyster plant
<i>Tribulus cistoides</i>	puncture vine, burr-nut
<i>Urena lobata</i>	Caesar's weed
<i>Vitex trifolia</i>	simple-leaf chaste tree
<i>Washingtonia robusta</i>	Washington fan palm
<i>Wedelia</i> (see <i>Sphagneticola</i> above)	
<i>Wisteria sinensis</i>	Chinese wisteria
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear

**EXHIBIT F**  
**BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE**  
**MASTER (BUILDOUT - 2035) ROADWAY NETWORK**  
 Page 1 of 3

(1)  
**Initial Internal Capture Rate - 22%**  
**(Transportation Condition B.1(c))**

SIGNIFICANTLY IMPACTED ROADWAYS			ADVERSE IMPACTS	TRANSPORTATION DEFICIENCY	E+C # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES
Roadway	From	To				
<b>Charlotte County</b>			"Y" = Yes, "-" = No or Not Applicable			
SR 31	Lee County Line	Project Entrance	Y	--	2	4 Lanes - Refer to MPO LRTP
	Project Entrance	CR 74	Y	--	2	4 Lanes - Refer to MPO LRTP
	CR 74	DeSoto County Line	--	--	2	--
	DeSoto County Line	SR 70	--	--	2	--
I-75	Lee County Line	Tuckers Grade	Y	Y	4	8 Lanes - Refer to MPO LRTP
	Tuckers Grade	N. Jones Loop Road	Y	Y	4	8 Lanes - Refer to MPO LRTP
	N. Jones Loop Road	US 17	Y	Y	4	8 Lanes - Refer to MPO LRTP
US 41	Lee County Line	Zemel Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Zemel Road	Oil Well Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Oil Well Road	Notre Dame Boulevard	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Notre Dame Boulevard	Taylor Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Taylor Road	Acline Road	--	--	4	--
	Acline Road	Burnt Store Road	--	--	4	--
	Burnt Store Road	Aqui Esta Drive	--	--	4	--
Burnt Store Road	Lee County Line	Zemel Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	US 41	Taylor Road	--	--	2	--
Taylor Road	US 41-South	Acline Road	--	--	2	--
	N. Jones Loop Road	Burnt Store Road	--	--	2	--
	Burnt Store Road	Airport Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Airport Road	US 41 - North	Y	--	2	2 Lanes - Refer to MPO LRTP
Piper Road	N. Jones Loop Road	Airport Road	--	--	2	--
	Airport Road	CR 74	--	--	2	--
CR 74	US 17	SR 31	Y	--	2	4 Lanes - Refer to MPO LRTP
	SR 31	Glades County Line	Y	--	2	4 Lanes - Refer to MPO LRTP
	Glades County Line	SR 29	Y	--	2	2 Lanes - Refer to LRTP
US 17	Marion Avenue	I-75	--	--	6	--
	I-75	CR 74	Y	--	6	6 Lanes - Refer to MPO LRTP
Florida Street	Airport Road	Carmalita Street	--	--	2	--
Airport Road	Taylor Road	I-75 Bridge	--	--	2	--
	I-75 Bridge	Piper Road	--	--	2	--
N. Jones Loop Road	Taylor Road	I-75	--	--	4	--
	I-75	S. Jones Loop Road	--	--	4	--
Tucker Grade	US 41	I-75	Y	--	4	6 Lanes - Refer to MPO LRTP
Zemel Road	Burnt Store Road	US 41	--	--	2	--
East-West Corridor	SR 31	Lee County Line	--	--	--	--
<b>DeSoto County</b>						
SR 31	Charlotte County Line	SR 70	--	--	2	--
<b>Glades County</b>						
CR 74	Charlotte County Line	SR 29	Y	--	2	2 Lanes - Refer to LRTP
<b>Hendry County</b>						
North River Road	Lee County Line	CR 78 EW	--	--	2	--
SR 80	Lee County Line	CR 78A	Y	Y	4	4 Lanes - Refer to LRTP
<b>Lee County</b>						
Bayshore Road	US 41	Business 41	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Business 41	Hart Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Hart Road	Slater Road	--	Y	4	--
	Slater Road	I-75	Y	Y	4	4 Lanes - Refer to MPO LRTP
	I-75	Nalle Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Nalle Road	SR 31	Y	Y	2	4 Lanes - Refer to MPO LRTP
Buckingham Road	Gunnery Road	Orange River Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Orange River Boulevard	SR 80	Y	--	2	4 Lanes - Refer to MPO LRTP
Business 41	US 41	Littleton Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Littleton Road	Pine Island Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Pine Island Road	Pondella Road	--	Y	4	--
	Pondella Road	SR 80	Y	Y	6	6 Lanes - Refer to MPO LRTP
Colonial Boulevard	Fowler Street	Metro Pkwy.	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Metro Parkway	Veronica Shoemaker Blvd.	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Veronica Shoemaker Blvd.	Winkler Avenue	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Winkler Avenue	Ortiz Avenue	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Ortiz Avenue	I-75	Y	--	6	6 Lanes - Refer to MPO LRTP
Del Prado Boulevard	Slater Road	Hart Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Hart Road	US 41	--	--	2	--
	US 41	Kismet Parkway	Y	--	4	4 Lanes - Refer to MPO LRTP
Gunnery Road	Buckingham Road	Lae Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Daniels Parkway	Colonial Boulevard	Y	Y	6	8 Lanes - Refer to MPO LRTP
I-75	Colonial Boulevard	SR 82	Y	Y	6	8 Lanes - Refer to MPO LRTP
	SR 82	Luckett Road	Y	Y	6	8 Lanes - Refer to MPO LRTP
	Luckett Road	SR 80	Y	Y	6	8 Lanes - Refer to MPO LRTP
	SR 80	Bayshore Road	Y	Y	4	8 Lanes - Refer to MPO LRTP
	Bayshore Road	Charlotte County Line	Y	Y	4	8 Lanes - Refer to MPO LRTP
Joel Boulevard	SR 80	16th Street	--	--	2	--
	16th Street	12th Street	--	--	2	--
	12th Street	Bell Boulevard	--	--	2	--
Littleton Road	Business 41	US 41	Y	Y	2	4 Lanes - Refer to MPO LRTP
	US 41	Corbett Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Corbett Road	NE 24th Avenue	--	Y	2	--
Luckett Road	I-75	Ortiz Avenue	--	--	2	--
	Ortiz Avenue	Nuna Avenue	--	--	2	--
Nalle Road	Bayshore Road	Nalle Grade Rpad	--	--	2	--
Nalle Grade Road	Nalle Road	Slater Road	--	--	2	--
North River Road	SR 31	East of SR 31	Y	--	2	2 Lanes - Refer to MPO LRTP
	East of SR 31	Olga Road	Y	--	2	2 Lanes - Refer to MPO LRTP
	Olga Road	Alva Bridge	Y	--	2	2 Lanes - Refer to MPO LRTP
	Alva Bridge	Hendry County Line	--	--	2	--
	Hendry County Line	CR 78 EW	--	--	2	--

**EXHIBIT F (Continued)**  
**BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE**  
**MASTER (BUILDOUT - 2035) ROADWAY NETWORK**  
 Page 2 of 3

(1)  
**Initial Internal Capture Rate - 22% (Continued)**  
**(Transportation Condition B.1)(c)**

SIGNIFICANTLY IMPACTED ROADWAYS			ADVERSE IMPACTS	TRANSPORTATION DEFICIENCY (2)	E+C # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES
Roadway	From	To				
<b>Lee County Continued</b>			"Y" = Yes, "-" = No or Not Applicable			
Ortiz Avenue	SR 80	Luckett Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Luckett Road	SR 82	Y	Y	2	4 Lanes - Refer to MPO LRTP
	SR 82	Hanson Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Hanson Street	Colonial Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
Orange River Boulevard	Staley Road	Buckingham Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
Pine Island Road	NE 24th Avenue	US 41	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Del Prado Boulevard	NE 24th Avenue	Y	Y	4	6 Lanes - Refer to MPO LRTP
	West	Del Prado Boulevard	Y	Y	4	6 Lanes - Refer to MPO LRTP
Plantation Road	Colonial Blvd.	Idlewild Street	Y	Y	2	2 Lanes - Refer to MPO LRTP
Six Mile Cypress Parkway	Colonial Boulevard	Challenger Boulevard	--	--	6	--
	Challenger Boulevard	Winkler Avenue	--	--	4	--
Slater Road	Nalle Grade Road	Del Prado Boulevard	--	--	2	--
	Del Prado Boulevard	Baysshore Road	--	--	2	--
SR 31	SR 80	Baysshore Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Baysshore Road	North River Road	Y	--	4	4 Lanes - Refer to MPO LRTP
	North River Road	Project Entrance	Y	--	4	4 Lanes - Refer to MPO LRTP
	Project Entrance	Charlotte County Line	Y	--	4	4 Lanes - Refer to MPO LRTP
SR 82	Fowler Street	V. S. Shoemaker Blvd.	Y	Y	4	4 Lanes - Refer to MPO LRTP
	V. S. Shoemaker Blvd.	Michigan Link	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Michigan Link	Ortiz Avenue	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Ortiz Avenue	I-75	Y	--	6	6 Lanes - Refer to MPO LRTP
SR 80	Park Avenue	Seaboard Street	--	--	2	--
	Seaboard Street	V. S. Shoemaker Blvd.	Y	Y	4	4 Lanes - Refer to MPO LRTP
	V. S. Shoemaker Blvd.	Ortiz Avenue	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Ortiz Avenue	I-75	Y	Y	6	6 Lanes - Refer to MPO LRTP
	I-75	SR 31	Y	Y	6	6 Lanes - Refer to MPO LRTP
	SR 31	Tropic Avenue	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Tropic Avenue	Buckingham Road	Y	--	4	6 Lanes - Refer to MPO LRTP
	Buckingham Road	Hickey Creek	Y	--	4	4 Lanes - Refer to MPO LRTP
	Hickey Creek	Alva Bridge	Y	--	4	4 Lanes - Refer to MPO LRTP
	Alva Bridge	Joel Boulevard	--	--	4	--
	Joel Boulevard	Hendry County Line	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Hendry County Line	CR 78A	Y	Y	4	4 Lanes - Refer to LRTP
Sunshine Boulevard	25th Street	38th Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
US 41	Hancock Bridge Parkway	Pondella Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Pine Island Road	Littleton Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Littleton Road	Business 41	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Business 41	Del Prado Ext.	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Del Prado Extension	Charlotte County Line	Y	Y	4	6 Lanes - Refer to MPO LRTP
East-West Corridor (4)	Charlotte County Line	I-75	--	--	--	New 4 Lanes
Del Prado Ext. N. (4)	I-75	Del Prado Ext. E.	--	--	--	New 4 Lanes - Refer to MPO LRTP
I-75 Interchange (4)	Del Prado Ext. N.	East-West Corridor	--	--	--	New Interchange - Refer to MPO LRTP
Hanson Street Ext. (4)	V. S. Shoemaker Boulevard	Ortiz Avenue	--	--	--	New 4 Lanes - Refer to MPO LRTP
Littleton Road Ext. (4)	Business 41	SR 78/Slater Road	--	--	--	New 2 Lanes - Refer to MPO LRTP

**EXHIBIT F (Continued)**  
**BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE**  
**MASTER (BUILDOUT - 2035) ROADWAY NETWORK**  
 Page 3 of 3

<sup>(3)</sup>  
**Developer's Estimated Community Capture Rate - 60%**  
**(Transportation Condition B.1)(b))**

SIGNIFICANTLY IMPACTED ROADWAYS			ADVERSE IMPACTS	TRANSPORTATION DEFICIENCY <sup>(2)</sup>	E+C # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES
Roadway	From	To				
<b>Charlotte County</b>						
SR 31	Lee County Line	Cook Brown Road	Y	--	2	4 Lanes - Refer to MPO LRTP
	Cook Brown Road	CR 74	Y	--	2	East-West Corridor
	CR 74	DeSoto County Line	--	--	2	--
	DeSoto County Line	SR 70	--	--	2	--
I-75	Lee County Line	Tuckers Grade	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Tuckers Grade	N. Jones Loop Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	N. Jones Loop Road	US 17	Y	Y	4	6 Lanes - Refer to MPO LRTP
US 41	Lee County Line	Zemel Road	Y	Y	4	6 Lanes
	Zemel Road	Oil Well Road	Y	Y	4	6 Lanes
	Oil Well Road	Notre Dame Blvd.	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Notre Dame Blvd.	Taylor Road	--	--	4	--
	Taylor Road	Burnt Store Road	--	--	4	--
Burnt Store Road	US 41	Taylor Street	--	--	2	--
Taylor Road	US 41 - South	Acline Road	--	--	2	--
	Burnt Store Road	Airport Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Airport Road	US 41 - North	--	Y	2	2 Lanes - Refer to MPO LRTP
Piper Road	N. Jones Loop Road	Airport Road	--	--	2	--
	Airport Road	CR 74	--	--	2	--
CR 74	US 17	SR 31	Y	--	2	East-West Corridor
	SR 31	Glades County Line	--	--	2	--
	Glades County Line	SR 29	--	--	2	--
US 17	Marion Avenue	I-75	--	--	6	--
	I-75	CR 74	--	--	6	--
Florida Street	Airport Road	Camalita Street	--	--	2	--
Airport Road	I-75 Bridge	Piper Road	--	--	2	--
N. Jones Loop Road	I-75	S. Jones Loop Road	--	--	4	--
Tuckers Grade	US 41	I-75	--	--	4	--
East-West Corridor	SR 31	Lee County Line	--	--	4	New 4 Lanes
<b>DeSoto County</b>						
SR 31	Charlotte County Line	SR 70	--	--	2	--
<b>Glades County</b>						
CR 74	Charlotte County Line	SR 29	--	--	2	--
<b>Hendry County</b>						
SR 80	Lee County Line	CR 78A	--	--	4	--
<b>Lee County</b>						
Bayshore Road	US 41	Business 41	Y	Y	4	Littleton Road
	Business 41	Hart Road	Y	Y	4	Littleton Road Ext.
	Hart Road	Slater Road	--	Y	4	Littleton Road Ext.
	Slater Road	I-75	Y	Y	4	6 Lanes
	I-75	Nalle Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Nalle Road	SR 31	Y	Y	2	4 Lanes - Refer to MPO LRTP
Buckingham Road	Orange River Boulevard	SR 80	Y	Y	2	4 Lanes - Refer to MPO LRTP
Business 41	US 41	Littleton Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
Colonial Boulevard	V. S. Shoemaker Blvd.	Winkler Avenue	Y	Y	6	Hanson Street Ext. and Transit
	Winkler Avenue	Ortiz Avenue	Y	Y	6	Hanson Street Ext. and Transit
	Ortiz Avenue	I-75	Y	Y	6	Hanson Street Ext. and Transit
Del Prado Boulevard	Slater Road	Hart Road	Y	Y	2	East-West Corridor
	US 41	Kismet Parkway	Y	Y	4	6 Lanes
I-75	Daniels Parkway	Colonial Boulevard	Y	Y	6	8 Lanes - Refer to MPO LRTP
	Colonial Boulevard	SR 82	Y	Y	6	8 Lanes - Refer to MPO LRTP
	SR 82	Luckett Road	Y	Y	6	8 Lanes - Refer to MPO LRTP
	Luckett Road	SR 80	Y	Y	6	8 Lanes - Refer to MPO LRTP
	SR 80	Bayshore Road	Y	Y	4	8 Lanes - Refer to MPO LRTP
	Bayshore Road	Charlotte County Line	Y	Y	4	6 Lanes - Refer to MPO LRTP
Joel Boulevard	16th Street	12th Street	--	--	2	--
Littleton Road	US 41	Corbett Road	--	Y	2	--
Nalle Road	Bayshore Road	Nalle Grade Road	--	--	2	--
North River Road	SR 31	East of SR 31	--	--	2	--
	East of SR 31	Olga Road	--	--	2	--
	Olga Road	Alva Bridge	--	--	2	--
	Alva Bridge	Hendry County Line	--	--	2	--
	Hendry County Line	CR 78 EW	--	--	2	--
Ortiz Avenue	SR 80	Luckett Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Luckett Road	SR 82	Y	Y	2	4 Lanes - Refer to MPO LRTP
	SR 82	Hanson Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Hanson Street	Colonial Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
Orange River Boulevard	Staley Road	Buckingham Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
Pine Island Road	NE 24th Avenue	US 41	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Del Prado Blvd.	NE 24th Avenue	--	--	4	--
	Slater Road	Nalle Grade Road	--	--	2	--
	Del Prado Boulevard	Bayshore Road	--	--	2	--
SR 31	SR 80	Bayshore Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Bayshore Road	North River Road	Y	--	2	6 Lanes
	North River Road	Project Entrance	Y	--	2	4 Lanes - Refer to MPO LRTP
	Project Entrance	Charlotte County Line	Y	--	2	4 Lanes - Refer to MPO LRTP
SR 80	Seaboard Street	V. S. Shoemaker Blvd.	Y	Y	4	4 Lanes - Refer to MPO LRTP
	V. S. Shoemaker Blvd.	Ortiz Avenue	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Ortiz Avenue	I-75	Y	Y	6	6 Lanes - Refer to MPO LRTP
	I-75	SR 31	Y	Y	6	6 Lanes - Refer to MPO LRTP
	SR 31	Tropic Avenue	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Tropic Avenue	Buckingham Road	Y	--	4	6 Lanes - Refer to MPO LRTP
	Buckingham Road	Hickey Creek	Y	--	4	6 Lanes
	Hickey Creek	Alva Bridge	--	--	4	--
US 41	Pine Island Road	Littleton Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Del Prado Extension	Charlotte County Line	Y	Y	4	6 Lanes - Refer to MPO LRTP
East-West Corridor (4)	Charlotte County Line	I-75	--	--	--	New 4 Lanes
Del Prado Ext. N. (4)	I-75	Del Prado Ext. E.	--	--	--	4 Lanes - Refer to MPO LRTP
I-75 Interchange (4)	Del Prado Ext. N.	East-West Corridor	--	--	--	New Interchange - Refer to MPO LRTP
Hanson Street Ext. (4)	V. S. Shoemaker Boulevard	Ortiz Avenue	--	--	--	New 4 Lanes - Refer to MPO LRTP
(4)	Ortiz Avenue	Forum Boulevard	--	--	--	New 4 Lanes - Refer to MPO LRTP
Littleton Road (4)	Business 41	US 41	--	Y	2	4 Lanes - Refer to MPO LRTP
Littleton Road Ext. (4)	Business 41	SR 78/Slater Road	--	--	--	New 2 Lanes - Refer to MPO LRTP

Footnotes:

- Roadway Network based on initial internal capture rate of 22% as suggested by the review agencies. Subject to adjustment based on Master Traffic Study Updates per Master Development Order. Per AMDA Development Order, initial capture rate of 22% controls for first increment and subsequent increment until such time that Exhibit F is revised and updated.
- Transportation Deficiency as defined in Chapter 163.3190, F.S.
- Roadway Network based on Developer's estimated internal capture rate of a "smooth growth" community. Subject to adjustment based on Master Traffic Study Updates per Master Development Order.
- Represents parallel facility improvement. Roadway segment not significantly impacted by BRC under the E+C network.

Rick Scott  
GOVERNOR



Jesse Panuccio  
EXECUTIVE DIRECTOR

November 1, 2013

The Honorable Christopher Constance  
Chairman, Charlotte County  
Board of County Commissioners  
18500 Murdock Circle  
Port Charlotte, Florida 33948

Subject: File No. ADA-09-2007-023 Babcock Ranch Development of Regional Impact  
Notification of Proposed Change to the Application for Master Development Approval

Dear Chairman Constance:

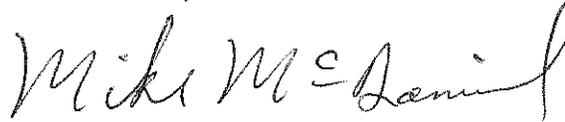
A Notification of Proposed Change (NOPC) for the Babcock Ranch Application for Master Development Approval (AMDA) was received by the Department of Economic Opportunity (DEO) on April 2, 2013. The NOPC proposes revisions to the Recitals, Condition Sections and Exhibits of the Amended Master Development Order (MDO), approved by the Charlotte County Board of County Commissioners under Resolution Number 2008-063; and subsequently amended by Resolution Numbers 2009-283, 2011-485, and 2012-024.

DEO sent a letter of objection to Charlotte County, dated May 13, 2013, which identified specific concerns and the need for additional information. In addition, the Department's letter carried forward concerns raised by the Southwest Florida Regional Planning Council as detailed in their May 13, 2013 letter. On October 17, 2013, we received revisions to the NOPC. Based on the revised NOPC the presumption of the changes constituting a substantial deviation has been adequately rebutted. Therefore, the Department no longer objects to the proposed changes to the Babcock Ranch MDO. In addition, the Southwest Florida Regional Planning Council has forwarded written comment, dated October 28, 2013, that they no longer have any objections to the proposed changes.

However, we do recommend that the County include a condition in Section B, Incremental Review, of the Education Section of the Master Development Order. The condition would require that as part of the Incremental Application for Review, the developer provide the anticipated student generation rates. This will serve to keep the School Board informed of the conceptual development amounts under review and the associated anticipated school impacts, thus providing necessary information for adjustments to the school phasing schedule.

Should you have any questions, please contact Brenda Winningham, Regional Planning Administrator at (850) 717-8516.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, looping initial "M".

Mike McDaniel  
Comprehensive Planning Manager

MM/skl

Attachments: Southwest Florida Regional Planning Council Correspondence

cc: Inga Williams, Planner, AICP, Charlotte County Community Development Department  
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council  
Jim Paulmann, FAICP, Wilson Miller-Stantec, Agent for the Applicant

**Lex, Suzanne**

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**From:** David Crawford [dcrawford@swfrpc.org]  
**Sent:** Monday, October 28, 2013 10:55 AM  
**To:** Lex, Suzanne  
**Subject:** Babcock

Suzanne – I have reviewed the responses to the questions concerning the Babcock Ranch NOPCs and find them sufficient to initiate the SWFRPC review.



**CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for  
 NOTICE OF PROPOSED CHANGES (NOPC)**

Date Received: <b>APR 5, 2013</b>	Time Received:
Date of Log-in: <b>MAY 2, 2013</b>	Petition #: <b>NOPC-13-04-08</b>
Receipt #: <b>109614</b>	Accela #: <b>NOPC. B-00002</b>
	Amount Paid: <b>\$ 3,350.00</b>

**A. Indicate the name of the existing DRI:**

Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order ("MDO"), and Babcock Ranch Community Increment 1 DRI Incremental Development Order ("IDO")

- ❖ *Provide a complete copy of the existing DO, which includes any prior changes, in Word format with use of strikethrough and underline to show the proposed changes.*

**B. Parties involved in the Application**

Name of Applicant: **Babcock Property Holdings, LLC** (Thomas J. Danahy, President)

Mailing Address: 17837 Murdock Circle

City: Port Charlotte	State: FL	Zip Code: 33948
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Phone Number: 941-235-6900	Fax Number: 941-235-6919
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Email Address: [tdanahy@kitsonpartners.com](mailto:tdanahy@kitsonpartners.com)

Name of Agent: **Stantec Consulting Services, Inc.**, James A. Paulmann, FAICP

Mailing Address: 6900 Professional Parkway East, Suite 100

City: Sarasota	State: FL	Zip Code: 34240
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Phone Number: 941-907-6900	Fax Number: 941-907-6910
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Email Address: [jim.paulmann@stantec.com](mailto:jim.paulmann@stantec.com)

Name of Agent: **Berntsson, Ittersagen, Gunderson, and Wideikis, LLP**, Robert H. Berntsson, Esq.

Mailing Address: 18401 Murdock Circle, Suite C

City: Port Charlotte	State: FL	Zip Code: 33948
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Phone Number: 941-627-1000	Fax Number: 941-255-5483
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Email Address: [rberntsson@bigwlaw.com](mailto:rberntsson@bigwlaw.com)

Name of Engineer/Surveyor: **Johnson Engineering, Inc.**, Michael W. Norman, PSM

Mailing Address: 2122 Johnson Street; P.O. Box 1550

City: Fort Myers	State: FL	Zip Code: 33902
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Phone Number: 239-334-0046	Fax Number: 239-334-3661
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Email Address:

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):  
**Same as applicant.**

Mailing Address:

City:	State:	Zip Code:
Phone Number:	Fax Number:	
Email Address:		

**C. ASSOCIATED APPLICATION(S):**

Please indicate if you intend to separately submit any of the following associated applications:

- \_\_\_\_\_ Future Land Use Map (FLUM) Amendment
- \_\_\_\_\_ Rezoning

Provide a summary of the proposed changes:

The applicant requests an amendment to the MDO and IDO to update requirements to make the development orders more reflective of current conditions and allow the development to be competitive with other developments within the region. Revisions to the MDO Master Plan and IDO Master Plan are also being requested. The property within Increment 1 is proposed to increase by approximately 992 acres; however, the development parameters for both the MDO and IDO remain the same. The applicant will seek to increase the development parameters for Increment 1 in a future amendment to the IDO.

**D. PROPERTY INFORMATION:**

**Attach a separate list that includes the following information for each parcel or lot included within the DRI associated with this NOPC application, grouped by account number**

Property Account Number:

Section: 29, 31 – 33	Township: 41 South	Range: 26 East
Section: 4 – 10, 15 – 17, 19 - 36	Township: 42 South	Range: 26 East
Parcel/Lot #:	Block #:	Subdivision:

Total acreage or square feet of the property:

- Babcock Ranch Community – 13,630.6 acres;
- Babcock Ranch Community Increment 1 – 4,043.31 acres

**AFFIDAVIT**

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 29th day of March, 2013, by Thomas J. Danahy, President, Babcock Property Holdings, LLC, who is personally known to me or has/have produced ~~XXXXXX XXXXXXXX XXXX~~ as identification and who did/did not take an oath.

Notary Public Signature <i>Elizabeth A. Andres</i>	Signature of Applicant or Agent <i>Thomas J. Danahy</i>
Notary Printed Signature <b>ELIZABETH A. ANDRES</b>	Printed Signature of Applicant or Agent <b>THOMAS J. DANAHY</b>
Title President	Address 17837 Murdock Circle
Commission Code	City, State, Zip Port Charlotte, FL 33948
	Telephone Number 941-235-6900

**FORM B. APPLICANT AUTHORIZATION TO AGENT**

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the property described and which is the subject matter of the proposed hearing.  
I give authorization for James A. Paulmann, FAICP and Robert H. Berntsson, Esq. to be my agents for this application.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 29th day of March, 2013,  
by Thomas J. Danahy, President, Babcock Property Holdings, LLC who is personally known to me or  
~~has/have produced~~ XXXXXXXXXXXXXXXXXXXXXXXXXXXX as identification and who did/did  
not take an oath.

Notary Public Signature <i>Elizabeth A. Andres</i>	Signature of Applicant <i>Thomas J. Danahy</i>
Notary Printed Signature <b>ELIZABETH A. ANDRES</b>	Printed Signature of Applicant THOMAS J. DANAHY
Title	Address 17837 Murdock Circle
Commission Code	City, State, Zip Port Charlotte, FL 33948
	Telephone Number 941-235-6900